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Agenda

/2000

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JANUARY 12, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from Malin Giddings requesting that the Board take jurisdiction over Building Permit Application No. 9921417 issued to Frank Lembi for repair of damaged partitions and installation of new lightweight partitions at the existing laundry room and fully sprinkled rear garage at 2677 Larkin Street.

Date issued	October 8, 1999
Last day to appeal	October 25, 1999
Request for jurisdiction	November 12, 1999

ITEM B: Letter from Ahmad Mohazab of Tecta Associates requesting that the Board take jurisdiction over Variance Decision 99.613V, a denial by the Zoning Administrator of a parking variance at 1133 Hayes Street.

Date of variance decision	December 2, 1999
Last day to appeal	December 13, 1999
Request for jurisdiction	December 21, 1999

REQUESTS FOR REHEARING:

ITEM C: Letter from Frank Bacon, on behalf of the 3995 Alemany Boulevard Project Committee, Appellant, requesting rehearing of Appeal Nos. 99-178 to 183. Hearing December 15, 1999. Upon motion by President McInerney, the Board voted 4-0 (Commissioners Saunders absent) to **UPHOLD** the permits on **CONDITION** that the Panama alley be widened to 30', and that the 6-8 trees on Panama alley shall be retained, with **FINDINGS** as stated on the record by Vice President Chin.

ITEM D: Letter from Jason S. Squire, Appellant, requesting rehearing of Appeal 99-164. Hearing December 15, 1999. Upon motion by Vice President Chin, the Board voted 4-0 (Commissioner Saunders absent) to **UPHOLD** the permit at 1082 Pennsylvania Avenue on **CONDITION** that an additional 3' setback be added to unit 406, and that unit 405 be revised to have a 45 degree sloped roof of fire retardant glass (or wire mesh glass) on its northerly side.

(4) **CONSENT ITEMS**: With the consent of the Police Department, the Board will proceed to a vote without testimony to lift the revocation. Without consent the Board will take testimony and then decide the appeal individually.

(4A) **APPEAL NO. 99-176**

GIUSEPPE SPINOSO, dba "FIZZ SUPPER CLUB",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 1, 1999, of
[Place of Entertainment permit at 471
[Pine Street.
[PERMIT NO. 0976.
[FOR HEARING TODAY.

(4B) **APPEAL NO. 99-186**

JOEL LEMUS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 4, 1999, of
[Tow Car Driver permit.
[PERMIT NO. 0989.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 98-035**

VICTOR TWAL dba "BUDDIES", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998, of permit
[to Alter a Building (legalize 3' x 4' x 12'6"
[awning and sign installed without
[permit) at 498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 99-197**

MICHAEL CRAWFORD & TOM HANUS,
dba "CHAT CAFÉ", Appellant
vs.
DEPARTMENT OF PUBLIC WORKS, Respondent
PLANNING DEPARTMENT DISSAPROVAL

[Denial on December 7, 1999, of permit
[for 12 chairs on sidewalk at 498
[Sanchez Street.
[FOR HEARING TODAY.

(6) **APPEAL NO. 99-137**

JAMILA CHAMPSI & FARAH CHAMPSI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 16, 1999,
[to Betty Jo Hardison, permit to Alter a
[Building (vertical and horizontal additions) at 2931 Pierce Street.
[APPLICATION NO. 9805281S.
[FOR FURTHER HEARING TODAY.

(7) **APPEAL NO. 99-144**

ADIL & LORI WAKIL, ALVIN & GLADYS IACONO,
Appellants
vs.
DEPT. BUILIDNG INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 3,
[1999, to James Lucey, permit to Erect a
[Building (three-story single-family
[dwelling) at 1993 – 14th Avenue.
[APPLICATION NO. 9707015S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 99-166**

HAL LEININGER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 8, 1999,
[to Thomas and Susan Bernard, permit
[to Alter a Building (to complete work
[started under PA #8404649 and
[extended under PA #8805005: remove
[two walls, one parapet wall, and firewall)
[at 1920 Golden Gate Avenue.
[APPLICATION NO. 9921351.
[FOR HEARING TODAY.

Items (9A) and (9B) shall be heard together

(9A) **APPEAL NO. 99-167**

SAN FRANCISCANS FOR REASONABLE
GROWTH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 18,
[1999, to Sapient, permit to Alter a
[Building at 2300 Harrison Street.
[APPLICATION NO. 9917425.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 99-168**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 18,
[1999, to Sapient, permit to Alter a
[Building (new office space and open
[work areas; new finishes throughout) at
[2300 Harrison Street.
[APPLICATION NO. 9917426.
[FOR HEARING TODAY.

(10) **APPEAL NO. 99-175**

RONALD LIPPERT & PAMELA BROWN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 26,
[1999, to Margot F. Nassau, permit to
[Alter a Building (remove kitchen and
[bath at lower level; relocate laundry tub,
[washer and dryer to original location) at
[2421 Balboa Street.
[APPLICATION NO. 9919672.
[FOR HEARING TODAY.

(11) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated September 24,
[1999 that the proposed screened off-
[street parking space in front of 1970
[Jackson Street is not permitted under
[Planning Code Section 132(b) which
[requires a 13-foot front setback, unless
[a variance is sought and granted.
[APPLICATION NO. 9918712.
[FOR HEARING TODAY.

(12) **APPEAL NO. 99-194**

HENRICK JONES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated November 19, 1999 that
[the noncomplying (as to height) building
[at 10 Presidio Avenue may not be
[further expanded by the enclosure of the
[portions of the structure over the RH-1
[district 30 foot height limit at the front,
[and 35 foot overall limit; height not being
[a variable standard, no variance
[application may be accepted to exceed
[these limits.
[FOR HEARING TODAY.

(13) **CLOSED SESSION:**

ITEM A: Public Comment on all matters pertaining to the Closed Session.

ITEM B: Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Mid-term progress assessment.

Goals/Objectives for Executive Secretary for Performance Management Program for FY 1999-2000.

ITEM C: Board will reconvene in open session and vote whether or not to disclose any or all discussions held in closed session (S.F. Admin. Code Section 67.10(b)).

Adjournment

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. McInerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683. Office telephone (415) 554-6171, fax (415) 554-6177, and e-ma **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website a **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individual and entities that influence or attempt to influence local legislative or administrative action that the may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, fa (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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12/2000

MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JANUARY 12, 2000

5:30 P.M., CITY HALL, ROOM 416

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1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John E. McInerney, Vice President Arnold Chin, Commissioner Carole Cullum, Commissioner Sabrina Saunders, and Commissioner Allam El Qadah.

Robert H. Feldman, Executive Secretary; Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Chief of Neighborhood Planning, Planning Department; and Laurence Kornfield, Chief Building Inspector, Department of Building Inspection.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Alice Suet Yee Barkley, attorney, requested that the Board direct the Department of Building Inspection to enforce the decision with condition imposed on the permit holder in Appeal No. 98-212 on July 14, 1999 by the Board. **2.** Susan Lowenberg in support of the request above suggested that all the work done without permits by the owner of 38 West Clay be ripped out.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: **1.** Vice President Arnold Chin asked that there be a moment of silence in memory of the two members of the San Francisco Police Department killed in the helicopter crash. **2.** President John McInerney welcomed all to the Board's first meeting of the new millennium and century.

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from Malin Giddings requesting that the Board take jurisdiction over Building Permit Application No. 9921417 issued to Frank Lembi for repair of damaged partitions and installation of new lightweight partitions at the existing laundry room and fully sprinkled rear garage at 2677 Larkin Street.

Date issued	October 8, 1999
Last day to appeal	October 25, 1999
Request for jurisdiction	November 12, 1999

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, JANUARY 12, 2000

ACTION: Upon motion by Commissioner Saunders, the Board voted 4-0 to **RECUSE** President John E. McInerney. Afterwards, John Sanger, attorney for requestor, **WITHDREW** the Request for Jurisdiction.

SPEAKERS: **1.** Laurence Kornfield, Chief Building Inspector, DBI, reported that his review of the case requested by the Board at the last meeting revealed that there are no other permits on file for this property and that the subject permit was suspended December 1, 1999 because it was issued in error. He said he intends to revoke the permit. **2.** John Sanger, attorney for the requestor, withdrew the Request for Jurisdiction.

ITEM B: Letter from Ahmad Mohazab of Tecta Associates requesting that the Board take jurisdiction over Variance Decision 99.613V, a denial by the Zoning Administrator of a parking variance at 1133 Hayes Street.

Date of variance decision	December 2, 1999
Last day to appeal	December 13, 1999
Request for jurisdiction	December 21, 1999

ACTION: Upon motion by President McInerney the Board 1-4 to **DENY** the Request for Jurisdiction; 4 votes being necessary, the motion **FAILED**. Afterwards, upon motion by Commissioner Cullum, the Board voted 5-0 to **GRANT** the Request for Jurisdiction.

SPEAKERS: **1.** Ahmad Mohazab explained why he had not filed the appeal in time and asked permission to file late.

REQUESTS FOR REHEARING:

ITEM C: Letter from Frank Bacon, on behalf of the 3995 Alemany Boulevard Project Committee, Appellant, requesting rehearing of Appeal Nos. 99-178 to 183. Hearing December 15, 1999. Upor motion by President McInerney, the Board voted 4-0 (Commissioners Saunders absent) to **UPHOLD** the permits on **CONDITION** that the Panama alley be widened to 30', and that the 6-8 trees on Panama alle shall be retained, with **FINDINGS** as stated on the record by Vice President Chin.

ACTION: Upon motion by Commissioner Cullum the Board voted 4-0 (Commissioner Saunder abstaining) to **DENY** the Request for Rehearing.

SPEAKERS: **1.** Frank Bacon, attorney for the appellant committee, requested a rehearing based o several arguments set forth in his letter to the Board. 2. Steven Vettel, attorney for the permit holder opposed a rehearing for the reason that there was no new evidence and the Board had held a thoroug hearing in December.

ITEM D: Letter from Jason S. Squire, appellant, requesting rehearing of Appeal 99-164. Hearin December 15, 1999. Upon motion by Vice President Chin, the Board voted 4-0 (Commissioner Saunder absent) to **UPHOLD** the permit at 1082 Pennsylvania Avenue on **CONDITION** that an additional setback be added to unit 406, and that unit 405 be revised to have a 45 degree sloped roof of fir retardant glass (or wire mesh glass) on its northerly side.

ACTION: Upon motion by Commissioner Cullum, the Board voted 1-3 (Commissioner Saunder abstaining) to **GRANT** the Request for Rehearing; 4 votes being necessary, the motion **FAILED**, an thus the Request for Rehearing was **DENIED**.

SPEAKERS: **1.** Jason S. Squire, appellant, requested the Board grant a rehearing to allow him time to present a sun study to the Board. **2.** Steven Vettel, attorney for the permit holder, urged the Board to not grant a rehearing for lack of new timely evidence. **3.** Sue Hestor on behalf of the appellant urged that the Planning Code protects sunlight and that the Board should grant a rehearing to protect appellant's sunlight.

(4) **CONSENT ITEMS:** With the consent of the Police Department, the Board will proceed to a vote without testimony to lift the revocation. Without consent the Board will take testimony and then decide the appeal individually. The Department consented.

(4A) **APPEAL NO. 99-176**

GIUSEPPE SPINOSO, dba "FIZZ SUPPER CLUB",
Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 1, 1999, of
[Place of Entertainment permit at 471
[Pine Street.
[PERMIT NO. 0976.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Police Department on **CONDITION** that the appellant pay his permit fees and brings his receipt to the Police Permit Division located at the Hall of Justice (850 Bryant Street).

SPEAKERS: None.

(4B) **APPEAL NO. 99-186**

JOEL LEMUS, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 4, 1999, of
[Tow Car Driver permit.
[PERMIT NO. 0989.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Police Department on **CONDITION** that the appellant pay his permit fees and brings his receipt to the Police Permit Division located at the Hall of Justice (850 Bryant Street).

SPEAKERS: None.

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 98-035**

VICTOR TWAL dba "BUDDIES", Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 13, 1998, of permit
[to Alter a Building (legalize 3' x 4' x 12'6"
[awning and sign installed without
[permit) at 498 Sanchez Street.
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 99-197**

MICHAEL CRAWFORD & TOM HANUS,
dba "CHAT CAFÉ", Appellant
vs.
DEPARTMENT OF PUBLIC WORKS, Respondent
PLANNING DEPARTMENT DISSAPROVAL

[Denial on December 7, 1999, of permit
[for 12 chairs on sidewalk at 498
[Sanchez Street.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** these matters to July 12, 2000.

SPEAKERS: **1.** Jeremy Paul accepted the continuance of the two appeals to July 12, 2000 on behalf of the appellants to allow time for legislation to be enacted that would allow the awning and sidewalk seating. **2.** Commissioner Cullum requested that a letter be sent to the Department of Public Works asking for enforcement to be stayed on the sidewalk seating until a decision is rendered by the Board.

(6) **APPEAL NO. 99-137**

JAMILA CHAMPSI & FARAH CHAMPSI, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on August 16, 1999,
[to Betty Jo Hardison, permit to Alter a
[Building (vertical and horizontal
[additions) at 2931 Pierce Street.
[APPLICATION NO. 9805281S.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **GRANT** the permit.

SPEAKERS: **1.** Jeremy Paul, agent for the appellants, asked that the plans be revised to comply with the Codes, and argued that the proposed ridgeline is too high. **2.** Betty Jo Hardison, permit holder, reported that the revised plans meet the Codes. Henry Shapiro, friend of the permit holder, said that view blockage was the real issue and that the plans have been corrected to the department's satisfaction. **3.** Larry Badiner, Chief of Neighborhood Planning, Planning Department, said that plans now comply with the Code, which does not protect views. **4.** Leslie Arnold, architect for permit holder, explained the revised plans.

(7) **APPEAL NO. 99-144**

ADIL & LORI WAKIL, ALVIN & GLADYS IACONO,
Appellants
vs.
DEPT. BUILIDNG INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 3,
[1999, to James Lucey, permit to Erect a
[Building (three-story single-family
[dwelling) at 1993 – 14th Avenue.
[APPLICATION NO. 9707015S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **GRANT** the permit with **FINDINGS** as stated into the record by Commissioner Cullum.

SPEAKERS: **1.** Dr. Akil Wakil explained that the appellants' issues with the plans and said that the revised building is still too big. **2.** Matthew Francois, attorney for appellants, said the project was grossly out of proportion with the neighborhood. **3.** Alice Suet Yee Barkley, attorney for permit holder, explained how the revised plans reduced the size of the building. **4.** Frank Grimma of Radio Terrace spoke in support of appellants and asked that the house be set back. **5.** John Peterson spoke in support of the appellants and explained the steepness of the lot and asked that the plans be revised further. **6.** Lou Foccacia spoke in support of the appellants and explained that the plans are in conflict with the Residential Design Guidelines. **7.** Joe O'Donoghue of the R.B.A. spoke in support of the permit holder and objected to the continuing opposition of the neighbors. **8.** Ike Felzer said he felt it is wrong to oppose permits for new homes and spoke in support of the permit holder.

(8) **APPEAL NO. 99-166**

HAL LEININGER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 8, 1999,
[to Thomas and Susan Bernard, permit
[to Alter a Building (to complete work
[started under PA #8404649 and
[extended under PA #8805005; remove
[two walls, one parapet wall, and firewall)
[at 1920 Golden Gate Avenue.
[APPLICATION NO. 9921351.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **CONTINUE** this matter to February 16, 2000.

SPEAKERS: Thomas Bernard, permit holder, asked the Board for a continuance so that he may prepare a formal response to the appellant's arguments.

Items (9A) and (9B) shall be heard together

(9A) **APPEAL NO. 99-167**

SAN FRANCISCANS FOR REASONABLE
GROWTH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 18,
[1999, to Sapient, permit to Alter a
[Building at 2300 Harrison Street.
[APPLICATION NO. 9917425.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 99-168**

SAN FRANCISCANS FOR REASONABLE
GROWTH, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 18,
[1999, to Sapient, permit to Alter a
[Building (new office space and open
[work areas; new finishes throughout) at
[2300 Harrison Street.
[APPLICATION NO. 9917426.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted to **GRANT** the permits with **FINDINGS** as stated into the record by Commissioner Cullum and Vice President Chin.

SPEAKERS: **1.** Sue Hestor, attorney for the appellant, explained how the project failed to meet the Planning Code provisions for office conversions. **2.** Paul Albritton, attorney for the permit holder, explained the nature of the permit holder's multimedia business and how the project meets the Planning Code. **3.** Robert Herr, attorney for the property owners, explained the procedural history of the permits. **4.** Jim Gonzalez of the Information & Technology Coalition explained the 1992 multimedia legislation and the positive effect the industry has had on the City and the Mission District; he spoke in support of the permit holder. **5.** Alice Suet Yee Barkley spoke in support of the permit holder and explained the IPZ program and how multi-media fits into it. **6.** Robert J. McCarthy, attorney for the permit holder, explained the post-industrial revolution and how the multimedia industry benefits the City. **7.** Gerald Green, Director, Planning Department, said the permits were consistent with the Zoning Administrator's determination.

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, JANUARY 12, 2000

(10)

APPEAL NO. 99-175

RONALD LIPPERT & PAMELA BROWN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 26,
[1999, to Margot F. Nassau, permit to
[Alter a Building (remove kitchen and
[bath at lower level; relocate laundry tub,
[washer and dryer to original location) at
[2421 Balboa Street.
[APPLICATION NO. 9919672.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0 to **RECUSE** Vice President Chin. Afterwards, upon motion by Commissioner Cullum, the Board voted 3-1 to **CONTINUE** this matter to July 19, 2000, and requested a report from the appellants in three months on the status of their apartment search.

SPEAKERS: **1.** Ronald Lippert, co-appellant, explained how difficult it is to find another apartment if evicted. **2.** Pam Brown, wife of Mr. Lippert and co-appellant, explained their search for a home and work in other counties. **3.** Harrison Nam, attorney for permit holder, explained his client's efforts to correct the violations of the Codes and to remove the illegal unit. **4.** Joan Fosbery, daughter of permit holder, explained the deteriorated condition of the unit. **5.** Laurence Kornfield, Chief Building Inspector, DBI, reported on the life safety issues with the unit and how they can be resolved.

(11)

APPEAL NO. 99-159

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated September 24,
[1999 that the proposed screened off-
[street parking space in front of 1970
[Jackson Street is not permitted under
[Planning Code Section 132(b) which
[requires a 13-foot front setback, unless
[a variance is sought and granted.
[APPLICATION NO. 9918712.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** this matter to February 2, 2000.

SPEAKERS: **1.** Martin Fineman, attorney for appellants, explained the appeal, the nature of Dr. Abelson's disability, and asked the Board to approve the parking space under provisions of the Planning Code allowing averaging of front setbacks. **2.** Larry Badiner, Chief of Neighborhood Planning, PD, said that the department could now see a way to approve the parking space as a variance now that they knew of the disability involved. **3.** Eddie Tsui, traffic engineer for the Department of Parking and Traffic, reported on his site visit and the policy of DPT regarding blue zones (handicapped parking spaces) in residential districts. **4.** President John McInerney requested that DPT send an official who has the authority to approve a blue zone in front of the Abelson's house to the next meeting. **5.** Joe O'Donoghue spoke in support of the appellants and asked the Board to approve what was requested based on the hardship to the appellant. **6.** Jane Abelson, co-appellant, spoke on behalf of her husband and thanked the Board for the idea of a blue zone (handicapped parking space) but said it is not what her husband needs. **7.** Gerald Green, Director of the Planning Department and acting Zoning Administrator, said that a variance application would be expedited if filed.

(12) **APPEAL NO. 99-194**

HENRICK JONES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated November 19, 1999
[that the non-complying (as to height)
[building at 10 Presidio Avenue may not
[be further expanded by the enclosure of
[the portions of the structure over the
[RH-1 district 30 foot height limit at the
[front, and 35 foot overall limit; height not
[being a variable standard, no variance
[application may be accepted to exceed
[these limits.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Chin, the Board voted 5-0 to **OVERRULE** the Zoning Administrator's Determination with **FINDINGS** as amended.

SPEAKERS: **1.** Jeremy Paul, agent for appellant, asked the Board to approve the proposed alterations and offered draft findings for adoption by the Board in support of a decision. **2.** Laurence Kornfield, Chief Building Inspector, DBI, reported on the fire safety problems of the current construction and how the proposed alterations would correct them. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, said that the Code allows the rebuilding of secondary egress up to current standards even in a non-complying structure.

(13) **CLOSED SESSION**:

ITEM A: Public Comment on all matters pertaining to the Closed Session.

ITEM B: Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Mid-term progress assessment.

Goals/Objectives for Executive Secretary for Performance Management Program for FY 1999-2000.

ITEM C: Board will reconvene in open session and vote whether or not to disclose any or all discussions held in closed session (S.F. Admin. Code Section 67.10(b)).

ACTION: The Board discussed this matter in open session.

There being no further business, President McInerney adjourned the meeting at 10:58 p.m.

John E. McInerney
John E. McInerney, III, President

Robert H. Feld
Robert H. Feldman, Executive Secretary

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Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

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/26/2000

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JANUARY 26, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **ANNUAL ELECTION OF OFFICERS.**

(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS:**

REQUEST FOR SUSPENSION OF BOARD RULES:

ITEM A: Request by Commissioner Cullum for the Board to suspend its rules and set aside its October 13, 1999 decision not to grant a rehearing for Appeal No. 99-073 for the property at 470 25th Avenue, owned by Hugo Villavicensio, and to consider again the Request for Rehearing filed by Raquel Fox, attorney for appellant/tenant Frank Daijo. This appeal was heard on July 14, 1999 when by a vote of 4-0 the Board recused Vice President Chin from participating, and on Commissioner Cullum's motion to disapprove, the Board voted 3-1 (President McInerney dissenting), and the permit was upheld, four votes being necessary to disapprove a permit.

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(4) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from Wael Qahhaz requesting that the Board take jurisdiction over Taxicab Commission Resolution No. 74-99, a suspension of taxicab permit 50850 for 6 months commencing January 5, 2000, as well as the imposition of probation on said permit for a period of 2 years.

Date of Taxicab Commission Decision	December 16, 1999
Last day to appeal	December 31, 1999
Request for jurisdiction	January 11, 2000

(5) **APPEAL NO. 99-126**

DONALD TRIERWEILER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 1, 1999, of Taxicab Medallion No. 654.
[RESOLUTION NO. 33-99.
[FOR HEARING TODAY.

Items (6A) and (6B) shall be heard together

(6A) **APPEAL NO. 98-136**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to Demolish a Building at 407 Connecticut Street.
[APPLICATION NO. 9715365
[FOR FURTHER HEARING TODAY.

(6B) **APPEAL NO. 98-137**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to Erect a Building (two dwelling units) at 407 Connecticut Street.
[APPLICATION NO. 9715364.
[FOR FURTHER HEARING TODAY.

(7) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappacasse,
[permit to Alter a Building (remove
[walls to provide parking spaces and
[remove daycare facility) at 2234-2236
[Francisco Street.
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18,
[1999.
[FOR FURTHER HEARING TODAY.

(8) **APPEAL NO. 99-156**

JONATHAN DOSKOW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 20,
[1999, to Lille Koski, permit to Alter a
[Building (build new fence along side
[property line) at 2309 Lincoln Way.
[APPLICATION NO. 9919766.
[FOR HEARING TODAY.

(9) **APPEAL NO. 99-078**

ELLER MEDIA COMPANY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated May 3, 1999
[requiring removal of the painted wall
[sign at 465 - 10th Street because it was
[discontinued for more than three years
[and no new wall signs are permitted in
[the SLR zoning district under Planning
[Code Section 816. Permit Application
[No. 9814260 was issued in error.
[Appellant has 30 days to respond with a
[program to correct this violation or this
[matter will sent to the City Attorney for
[abatement.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

JOHN E. McINERNEY, III	PRESIDENT
ARNOLD Y.K. CHIN	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to John E. Mclnerney, III, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people an that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Tas Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, Sa Francisco, CA 94102-4683. Office telephone (415) 554-6171, fax (415) 554-6177, and e-ma **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from th Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website a **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individua and entities that influence or attempt to influence local legislative or administrative action that the may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, fa (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, JANUARY 26, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President John McInerney, Vice-President Arnold Chin, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner Sabrina Saunders.

Robert H. Feldman, Executive Secretary; Judith Boyajian, Deputy City Attorney; Larry Badiner, Chief of Neighborhood Planning, Planning Department; and Rafael Torres-Gil, Senior Building Inspector, Department of Building Inspection.

(1) **ANNUAL ELECTION OF OFFICERS.**

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to elect Vice-President Arnold Chin as the new President, and to elect Commissioner Sabrina Saunders as the new Vice-President.

SPEAKERS: President Chin thanked the Board for its confidence in him and asked that Commissioner McInerney chair this meeting.

(2) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(3) **COMMISSIONERS COMMENTS AND QUESTIONS:**

SPEAKERS: **1.** Commissioner McInerney announced that he expected to leave at 6:45 p.m.

REQUEST FOR SUSPENSION OF BOARD RULES:

ITEM A: Request by Commissioner Cullum for the Board to suspend its rules and set aside its October 13, 1999 decision not to grant a rehearing for Appeal No. 99-073 for the property at 470 25th Avenue, owned by Hugo Villavicensio, and to consider again the Request for Rehearing filed by Raquel Fox, attorney for appellant/tenant Frank Daijo. This appeal was heard on July 14, 1999 when by a vote of 4-0 the Board recused Vice President Chin from participating, and on Commissioner Cullum's motion to disapprove, the Board voted 3-1 (President McInerney dissenting), and the permit was upheld, four votes being necessary to disapprove a permit.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 to **RECUSE** President Chin. Afterwards, upon motion by Commissioner Cullum, the Board voted 3-1 (Commissioner McInerney dissenting) to **SUSPEND THE RULES** and set aside its October 13, 1999 decision not to grant a rehearing for Appeal No. 99-073, thus giving the appellant/tenant in the case another 10 day period to file a Request for Rehearing.

SPEAKERS: **1.** Jonathan Bornstein, attorney for permit holder, and Raquel Fox, attorney for appellant, both announced that they were present. There was no public testimony.

(4) MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from Wael Qahhaz requesting that the Board take jurisdiction over Taxicab Commission Resolution No. 74-99, a suspension of taxicab permit 50850 for 6 months commencing January 5, 2000, as well as the imposition of probation on said permit for a period of 2 years.

Date of Taxicab Commission Decision	December 16, 1999
Last day to appeal	December 31, 1999
Request for jurisdiction	January 11, 2000

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-1 (Commissioner McInerney dissenting) to **GRANT** the Request for Jurisdiction, thus giving Mr. Qahhaz a new 15-day period to file his appeal.

SPEAKERS: **1.** Wael Qahhaz, requestor, said he hadn't filed on time because of a neck injury and a lack of appeal fee at the time. **2.** Thomas Owen, Deputy City Attorney, opposed allowing a late filing of the appeal since there were not any good reasons for waiving the appeal period.

(5) APPEAL NO. 99-126

DONALD TRIERWEILER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 1, 1999, of Taxi-
[cab Medallion No. 654.
[RESOLUTION NO. 33-99.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Taxicab Commission's resolution revoking Taxicab Medallion No. 654. Afterwards, upon motion by Commissioner Cullum, the Board voted 5-0 to **ADOPT** the findings prepared for this case by Thomas Owen, Deputy City Attorney.

SPEAKERS: **1.** Thomas Owen, Deputy City Attorney, explained that the appellant had no waybills and hadn't come close to following the rules for medallion holders, and that he was relying on the death of his father in 1997 to explain failure to comply with rules in 1998 and 1999. **2.** John Stringer, attorney for appellant, argued that the appellant had acted without benefit of counsel and had not been aware of his ADA (Americans with Disabilities Act) rights after he was injured. He admitted there had been some technical violations, but none that warranted revocation. **3.** Ron Walter of the United Taxicab Workers urged the Board to uphold the revocation which would free a medallion for one of the 2000 people on the waiting list. **4.** Ralph Jacobson, a medallion owner at Yellow Cab said he's known the appellant thirteen years and he is sure the appellant was familiar with all the rules even before he obtained a medallion.

Items (6A) and (6B) shall be heard together

(6A) **APPEAL NO. 98-136**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to
[Demolish a Building at 407 Connecticut
[Street.
[APPLICATION NO. 9715365
[FOR FURTHER HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to March 8, 2000 prior to the meeting.

SPEAKERS: None.

(6B) **APPEAL NO. 98-137**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to
[Erect a Building (two dwelling units) at
[407 Connecticut Street.
[APPLICATION NO. 9715364.
[FOR FURTHER HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to March 8, 2000 prior to the meeting.

SPEAKERS: None.

(7) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 12,
[1998, to John and Evelyn
[Schiappacasse, permit to Alter a
[Building (remove walls to provide
[parking spaces and remove daycare
[facility) at 2234-2236 Francisco Street.
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18,
[1999.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** this matter to March 8, 2000.

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, reported that the appellant had begun to file a variance application and he expected it to be completed soon. **2.** Andrew Zacks, attorney for permit holders, urged the Board to uphold the permit since no variance could be considered without the owner's permission and the property has been "Ellised" and the tenant is no longer a lawful tenant.

(8) **APPEAL NO. 99-156**

JONATHAN DOSKOW, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 20,
[1999, to Lille Koski, permit to Alter a
[Building (build new fence along side
[property line) at 2309 Lincoln Way.
[APPLICATION NO. 9919766.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0 to **RECUSE** President Chin. Afterwards, upon motion by Commissioner Cullum, the Board voted 4-0 to **GRANT** the permit on **CONDITION** that the top 3 feet of the 8 foot fence be trellis/lattice work.

SPEAKERS: **1.** Audrey Montana, attorney for appellant, explained her client's opposition to the subject fence and showed photos. **2.** Claire Pilcher, also an attorney for appellant, explained how the fence is a nuisance and a hazard to the safety of the tenants of the apartment whose window faces the fence. She said it was a spite fence maliciously installed and it serves no useful purpose. **3.** Paul Koski, permit holder, explained the purpose of the fence and the wall is to protect his privacy from the tenant next door whose window is at the level of his yard, and that it was not a spite fence. He also said that he felt the window should have been covered over when the apartment was created so that the problems would not have arisen. **4.** Mark Bordonaro, the tenant of the apartment, testified that there had been no vandalism or trespassing on the Koski's property. **5.** Rafael Torres-Gil, Senior Building Inspector, DBI, testified as to the Code provisions regarding property line windows. **6.** Jonathan Doskow, appellant, reviewed the history of the apartment and the fence over the years, and the changing use of the yard and the malicious intent of the permit holder.

(9) **APPEAL NO. 99-078**

ELLER MEDIA COMPANY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator dated May 3, 1999
[requiring removal of the painted wall
[sign at 465 - 10th Street because it was
[discontinued for more than three years
[and no new wall signs are permitted in
[the SLR zoning district under Planning
[Code Section 816. Permit Application
[No. 9814260 was issued in error.
[Appellant has 30 days to respond with a
[program to correct this violation or this
[matter will sent to the City Attorney for
[abatement.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0 to **RECUSE** Commissioner McInerney. Afterwards, upon motion by Commissioner El Qadah, the Board voted 4-0 to **OVERRULE** the Zoning Administrator's Determination, and **ALLOW** the building permit applications to go forward on **CONDITION** that no more than 4 layers of ad print be placed on the sign at one time, and on **CONDITION** that appellant Eller Media purchase an insurance policy on behalf of Craig Rowland, the abutting property owner, with **FINDINGS** as stated into the record by Commissioner Cullum.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JANUARY 26, 2000

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, explained the provisions of Planning Code Section 183 as they applied to the subject sign, a discontinued non-comforming use, which cannot be reestablished. **2.** Joel Yodowitz, attorney for the appellant sign company, said he was convinced the Zoning Administrator is wrong and that the permit was properly issued for the existing sign. **3.** Craig Rowland, owner of the abutting property, urged the Board to uphold the department and described his problems with the sign over the years. **4.** David Sweeney, an employee of the sign company, responded to a Board question about how the sign was constructed.

There being no further business, President Chin adjourned the meeting at 8:34 p.m.

Arnold Y. K. Chin, President

Robert H. Feldman
Executive Secretary

Transcripts of these proceedings can be obtained from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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Attn: Terry Gwiazdowsky

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Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, FEBRUARY 2, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respec to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing a which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar Each member of the public may address the Board for up to three minutes. If it is demonstrated tha comments by the public will exceed 15 minutes, the President may continue Public Comment to anothe time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from John O'Rourke requesting that the Board take jurisdiction over determination by the Zoning Administrator dated December 1, 1999, which stated that a variance application must be granted for lack of street frontage before Building Permit Applications 9912703 and 9912704 can be given final approval or disapproval.

Determination issued	December 1, 1999
Last day to appeal	December 16, 1999
Request for jurisdiction	January 12, 2000

ITEM B: Letter from Susan Lum requesting that the Board take jurisdiction over Building Permi Application No. 010300043 issued to Stan Kwong to repair dry rot damage to existing roof deck at 2238 Jones Street.

Permit issued	January 3, 2000
Last day to appeal	January 18, 2000
Request for jurisdiction	January 25, 2000

REQUEST FOR REHEARING:

ITEM C: Letter from Sue C. Hestor, attorney for San Franciscans for Reasonable Growth, appellant requesting rehearing of Appeal Nos. 99-167 and 99-168, 2300 Harrison Street. Hearing January 12, 2000. Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits with **FINDINGS** as stated into the record by Commissioner Cullum and Vice President Chin.

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually.

(4A) **APPEAL NO. 99-201**

STEFAN GIUSTINO, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[Appeal for refund of penalty imposed on
[December 21, 1999, for electrical work
[done at 316 Valencia Street.
[PERMIT NO. E204392.
[FOR HEARING TODAY.

(4B) **APPEAL NO. 99-202**

PETER H. RACK, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for refund of penalty imposed on [December 23, 1999, for work done at [1201 Folsom Street.
[APPLICATION NO. 9909991.
[FOR HEARING TODAY.

(5) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated September 24, 1999 that [the proposed screened off-street [parking space in front of 1970 Jackson [Street is not permitted under Planning [Code Section 132(b) which requires a [13-foot front setback, unless a variance [is sought and granted.
[APPLICATION NO. 9918712.
[FOR FURTHER HEARING TODAY.

(6) **APPEAL NO. 99-195**

SENSORIA, LLC, dba "DNA LOUNGE," Appellant
vs.
POLICE DEPARTMENT, Respondent

[Appeal of four of eighteen stipulations of [the decision by Police Department, [dated November 22, 1999, to issue [three Dance Hall Keeper/After [Hours/Place of Entertainment permits at [375 - 11th Street.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-198**

2836 WASHINGTON STREET DEVELOPMENT, LLC, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 20, 1999, of permit [to Alter a Building (install new garage; [remodel entry stairs; add new window [on first floor; add exterior siding) at [2836 Washington Street.
[APPLICATION NO. 9903695S.
[FOR HEARING TODAY.

Items (8A) and (8B) shall be heard together

(8A) **APPEAL NO. 98-055**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998, [to George Hoffberg, permit to Alter a [Building (split into two buildings; new fire [walls and other code upgrades as [required per meeting and letter dated [January 22, 1996) at 1111-1133 Green [Street.
[APPLICATION NO. 9802162.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 98-056**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998, [to George Hoffberg, permit to Alter a [Building (split existing building on one [lot into two buildings on two lots; new [fire walls) at 1111-1133 Green Street.
[APPLICATION NO. 9802163.
[FOR HEARING TODAY.

(9) **APPEAL NO. 99-160**

RUTH L. KEADY, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 30, [1999, to Carlota M. Asturias, permit to [Erect a Building (three-story single [family dwelling) at 57 Arbor Street.
[APPLICATION NO. 9825583S.
[FOR HEARING TODAY.

(10) **APPEAL NO. 99-192**

SETH CHARNEY, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 15, [1999, to Yury Trubnikov, permit to Erect [a Building (eight live/work units) at 1025 [Minna Street.
[APPLICATION NO. 9801703S.
[FOR HEARING TODAY.

(11) **APPEAL NO. 99-193**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 15, [1999, to Sixth & Bryant Streets LLC, [permit to Erect a Building (24 live/work [units) at 317 Harriet Street.
[APPLICATION NO. 9905630S.
[FOR HEARING TODAY.

(12) **APPEAL NO. 99-190**

TELEGRAPH HILL DWELLERS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-[istrator dated November 12, 1999 that [the proposed restaurant at 412 [Broadway, "BoysToys", does not require [conditional use authorization from the [Planning Commission since the Police [Department does not deem it adult [entertainment, and by the previous [interpretation the size of the restaurant [use has not been abandoned and the [proposed restaurant is a principal [permitted use in the Broadway [Neighborhood Commercial District; also [requests disapproval of Planning [approval of Department of Public Health [restaurant permit.
[FOR HEARING TODAY.

(13) **APPEAL NO. 99-191**

TOBY LEVY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-[istrator dated November 15, 1999 that [Lot 30, Block 9794 (555 Birch Street) is [limited to construction of a one-family [house for lack of 116.4 square feet of lot [area in the RM-1 zoning district; and the [variance granted in 1979 no longer [controls the density permitted on this lot.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE-PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denia revocations and suspensions the representatives of the department, board, commission or pers from whose order the appeal is taken shall speak first and shall be allowed seven minutes for th presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minut for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes present oral argument and three minutes for rebuttal, and the permit holder shall be allowed sev minutes to present oral argument and three minutes for rebuttal. The Board may request departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thr minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the d of hearing. In the event that a matter is continued to a specific date by the presiding officer announced to the parties in the hearing room, no additional mailed notice will be sent. Please the Board office at 575-6880 for scheduling or other information during regular business hours, visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Boa should be addressed to John E. McInerney, III, President, and be received at the Board office, 1 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the schedu public hearing. Persons unable to attend the scheduled public hearing may submit written comme regarding a calendared item to the Board office. Comments received before noon on the day of hearing will be made a part of the official record and will be brought to the attention of the Board the public hearing. For complete distribution to all Commissioners of the Board, necessary staff case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance development permit, you may be limited to raising only those issues you or someone else raised the public hearing described in this notice, or in written correspondence delivered to the Board Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or taken out of order to accommodate special needs. The Board urges all parties to be present in hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant pub hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cathe Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possib

Minutes of the hearing are available in alternative formats. If you require the use of a reader du the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rel disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In o to assist the City's efforts to accommodate such people, attendees at public meetings are remin that other attendees may be sensitive to various chemical based products. Please help the Cit accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible M Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Ma Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI access services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be availabl

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pu Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, Francisco, CA 94102-4683. Office telephone (415) 554-6171, fax (415) 554-6177, and e- **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's websit **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individ and entities that influence or attempt to influence local legislative or administrative action that may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16. to register and report lobbying activity. For more information about the Lobbyist Ordinance, pl contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**. (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, FEBRUARY 2, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Robert H. Feldman, Executive Secretary; Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Chief of Neighborhood Planning, Planning Department; and Laurence Kornfield, Chief Building Inspector, Department of Building Inspection.

Vangie M. Gonegal, substituting for the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Lawrence Alioto, attorney for appellant Lucinda Hampton in Appeal No. 99-035 apologized for not appearing at the hearing January 20, 2000 for lack of notice, and reported that he was defending an unlawful detainer action against his client.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

SPEAKER: President Chin welcomed the audience to the meeting and explained how the Board tries to be fair in its decisions.

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE**:

REQUESTS FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from John O'Rourke requesting that the Board take jurisdiction over determination by the Zoning Administrator dated December 1, 1999, which stated that a variance application must be granted for lack of street frontage before Building Permit Applications 9912703 and 9912704 can be given final approval or disapproval.

Determination issued	December 1, 1999
Last day to appeal	December 16, 1999
Request for jurisdiction	January 12, 2000

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney absent) to **GRANT** jurisdiction. Mr. O'Rourke has 15 days to file an appeal.

SPEAKERS: **1.** John O'Rourke explained that he had not received the department's letter to appeal the determination and asked for permission to file a late appeal. **2.** Larry Badiner, representing the Planning Department did not object.

ITEM B: Letter from Susan Lum requesting that the Board take jurisdiction over Building Permit Application No. 010300043 issued to Stan Kwong to repair dry rot damage to existing roof deck at 2238 Jones Street.

Permit issued	January 3, 2000
Last day to appeal	January 18, 2000
Request for jurisdiction	January 25, 2000

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-1 (Commissioner El Qadah dissented, Commissioner McInerney absent) to grant jurisdiction. Four votes are needed and the motion failed. Then upon motion by Commissioner Cullum, the Board voted 3-2 (Commissioners El Qadah and McInerney dissented) to grant jurisdiction. Four votes are needed and the motion failed. The request is **DENIED**.

SPEAKERS: **1.** Susan Lum said she had not been given correct information about filing an appeal from the building inspector. **2.** Ted Bayer, attorney for permit holder Stan Kwong, explained the history of the renovation and of the roof deck permit, saying the project is now complete and all signed off except for the deck.

REQUEST FOR REHEARING:

ITEM C: Letter from Sue C. Hestor, attorney for San Franciscans for Reasonable Growth, appellant, requesting rehearing of Appeal Nos. 99-167 and 99-168, 2300 Harrison Street. Hearing January 12, 2000. Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits with **FINDINGS** as stated into the record by Commissioner Cullum and Vice President Chin.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 (Commissioner McInerney absent) to **DENY** the request for rehearing.

SPEAKERS: **1.** Sue Hestor, attorney for appellant, challenged the findings adopted by the Board, some she said were silly and not supported by the record. **2.** Paul Albritton, attorney for permit holder Sapient, defended the findings and asked that no rehearing be granted since no new evidence was offered. **3.** Robert Herr, attorney for the building owner SKS Harrison, also requested that the request for rehearing be denied for lack of new evidence being offered by the appellant, and that he felt the Board's decision was within its power to interpret the Planning Code.

MINUTES OF MEETING OF THE BOARD OF APPEALS, FEBRUARY 2, 2000

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal individually. The Department did not consent for the following two appeals.

(4A) **APPEAL NO. 99-201**

STEFANO GIUSTINO, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[Appeal for refund of penalty imposed on
[December 21, 1999, for electrical work
[done at 316 Valencia Street.
[PERMIT NO. E204392.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Chin, the Board voted 4-0 (Commissioner McInerney absent) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: **1.** Stefano Giustino, appellant, said that he had converted plugs from 220 volts to 110 volts in the laundry room without permit, a very minor infraction and that he had finally hired a licensed contractor. **2.** Laurence Kornfield, Chief Building Inspector, described the hazards created by the electrical work performed without permit, the enforcement action of the department, and the lack of response of the appellant.

(4B) **APPEAL NO. 99-202**

PETER H. RACK, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Appeal for refund of penalty imposed on
[December 23, 1999, for work done at
[1201 Folsom Street.
[APPLICATION NO. 9909991.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 (Commissioner McInerney absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $744.58 for a total of $1,489.16.

SPEAKERS: **1.** Peter Rack, appellant, said that the inspector did not understand the work being done. **2.** Laurence Kornfield, Chief Building Inspector explained the complication of the permit process in this matter.

(5) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Administrator dated September 24, 1999 that
[the proposed screened off-street
[parking space in front of 1970 Jackson
[Street is not permitted under Planning
[Code Section 132(b) which requires a
[13-foot front setback, unless a variance
[is sought and granted.
[APPLICATION NO. 9918712.
[FOR FURTHER HEARING TODAY.

MINUTES OF MEETING OF THE BOARD OF APPEALS, FEBRUARY 2, 2000

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney absent) to **CONTINUE** the matter to **February 16, 2000** for complete drawings.

SPEAKERS: Frank Bergamaschi, architect for the appellants, reported that his clients' variance hearing has been scheduled for February 8, 2000 and asked that their appeal be rescheduled to February 16 to allow for the variance decision to issue, possibly making this appeal moot.

Commissioner McInerney arrived at 6:50 p.m.

(6) APPEAL NO. 99-195

SENSORIA, LLC, dba "DNA LOUNGE," Appellant
vs.
POLICE DEPARTMENT, Respondent

[Appeal of four of eighteen stipulations of
[the decision by Police Department,
[dated November 22, 1999, to issue
[three Dance Hall Keeper/After
[Hours/Place of Entertainment permits at
[375 - 11th Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that stipulations 12, 13, and 14 are deleted relating to hours of operation and in- and out- privileges.

SPEAKERS: **1.** Sergeant William Coggan of the SFPD Legal Office explained the stipulations on the club's permit and the four being appealed. **2.** Officer Edward Anzore, the noise abatement officer explained the use of a limiter in a nightclub. **3.** Officer Rose Meyer described closing times at other clubs. **4.** Jamie Zawinski, appellant, described the outreach he and his partner have made to reach neighbors and asked the Board to preserve the artistic culture of the City by granting their appeal. **5.** Barry Synoground, co-appellant, said that private security could patrol and keep noise down around the club. **IN SUPPORT OF DEPARTMENT: 6.** Laslo Puskas, described the dangers at night in the area and said he wants a decent respectable neighborhood. **7.** Jim Meko said the Bay Guardian had filled the room with supporters of the DNA Lounge but had failed to write about the new owner's lack of experience operating a club. He thought a trial period should be required for all night operation two days a week as offered by the Police. **8.** Belinda Head said she supports the appellant's purchase of the club but not the 24-7 schedule because she needs to sleep at night. **9.** Pearl Ong described the old frame building she lives in and how it is different from new soundproofed lofts, as well as her problems with the Holy Cow. **8.** Ron Viner said he lives 25 feet from the Holy Cow and there have been many complaints about the Holy Cow over the years. He hears the screaming and cheering late at night, and he said the limiter worked there for a while but then the bass bothered him again. **10.** George Miller said he has lived in the City 40 years and has spent more time in bars than anyone else. The problem is noise and he listed the arrests, citations, convictions, and judgments regarding clubs. **11.** Peter Glikshtern said the most important thing was that businesses build relationships with area residents. **FOR THE APPELLANT: 12.** Bill Herrmann, owner of the Holy Cow, supported the appellant and opposed restrictive conditions that tend to sterilize the City. He thought the DNA open all night will improve the social life of the City. **13.** Eric Duecy of the Late Night Coalition feels the club open at night is an asset not a liability in the neighborhood, which increases safety in this industrial area. **14.** Joe O'Donoghue of the Residential Builders Association compared the City to Ireland where clubs are open until 4:00 a.m. and asked the Board to give the appellant a chance. **15.** Kenneth Kelly lives on 11th Street and said it was a vibrant friendly area. He said the parties at DNA were very cool and did not disturb him. "Let the DNA be the DNA." **16.** Carol Keiter said she lives within two blocks of the club and that a 2:00 a.m. curfew was not needed. **17.** Tarin Towers said the DNA was one of the few remaining venues for live music and DJ's, which also presents poetry and has a bar. **18.** Rob Schneider, seller of the club to the appellant, asked the Board to grant the appeal so that the City does not become a second-class city. John Schneider, partner of Rob, said this was a unique opportunity for the Board in fairness to allow the club to be operated as it has been and he said he thought appellant can make it work as Mr. Zawinski has been incredibly successful in the internet business. **19.** Starchild said he was a member of the Late Night Coalition and that the Board should support youth culture. Most Police complaints were not generated by the clubs or under their control. **20.** Lesley Ayres said she is 46 years old and likes to dance late at night and that she is on the steering committee of the coalition. She thought that businesses can coexist with the area if they cooperate. **21.** Michael Singsen has lived next door to the DNA five years and that the Board's duty was to override the Police. He said there was no evidence, just speculation, that appellant would cause problems. **22.** Mr. Synoground asked for a show of hands of those in support of the appeal and approximately 90 hands went up.

(7) **APPEAL NO. 99-198**

2836 WASHINGTON STREET DEVELOPMENT, LLC, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 20, 1999, of permit
[to Alter a Building (install new garage;
[remodel entry stairs; add new window
[on first floor; add exterior siding) at
[2836 Washington Street.
[APPLICATION NO. 9903695S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney the Board voted 5-0 to **CONTINUE** the matter to **March 15, 2000** for complete drawings.

SPEAKERS: **1.** Larry Badiner for Planning Commission explained why the Commission had denied the application as inappropriate. **2.** Carlos Alvarez, attorney for appellant explained that his client would make revisions to the plans to make them acceptable, including changing the recessed door. **IN SUPPORT OF DEPARTMENT:** **3.** Ian Berke for the Pacific Heights Residents Association described the serial permit strategy used by the appellant to circumvent the Code. **4.** Alexander Seidel asked the Board to hold to the standards other meet in this case and described the detriment to the neighborhood and serious deficiencies of the proposal. **5.** Joe O'Donoghue agreed with Mr. Seidel and asked the Board to hold to its standards and uphold the denial. **6.** Laurence Kornfield described the garage ceiling height standards.

Items (8A) and (8B) were heard together

(8A) **APPEAL NO. 98-055**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998,
[to George Hoffberg, permit to Alter a
[Building (split into two buildings; new fire
[walls and other code upgrades as
[required per meeting and letter dated
[January 22, 1996) at 1111-1133 Green
[Street.
[APPLICATION NO. 9802162.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 98-056**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 24, 1998,
[to George Hoffberg, permit to Alter a
[Building (split existing building on one
[lot into two buildings on two lots; new
[fire walls) at 1111-1133 Green Street.
[APPLICATION NO. 9802163.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney absent) to **CONTINUE** the matter to **December 6, 2000**.

SPEAKERS: George Hoffberg, permit holder requested the two appeals be rescheduled to December 6, 2000 because of on-going litigation between the parties.

(9) **APPEAL NO. 99-160**

RUTH L. KEADY, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 30,
[1999, to Carlota M. Asturias, permit to
[Erect a Building (three-story single
[family dwelling) at 57 Arbor Street.
[APPLICATION NO. 9825583S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with findings by the Planning Department.

SPEAKERS: **1.** Serge Holtzman, attorney for appellant, described the many letters from neighbors supporting the appeal and opposing the project, which he said was not in character with the area. **2.** Alice Barkley, attorney for permit holder, described her analysis of the project in light of the Residential Design Guidelines which she felt was met here, in this diverse neighborhood. **FOR THE APPELLANT:** **3.** Sheila Cummings said it was important to view the site from Poppy Lane, where the project will appear large. **4.** Peter Kessler showed photos and described the proposed house as way out of character and scale with the area. **5.** Garry Nicol, coordinator of the block watch, said the Planning Department has been unreasonable in approving the design. He suggested the house be set into an excavation to reduce its height and mass. **FOR THE PERMIT HOLDER:** **6.** Joe O'Donoghue said the family building the house had a long history of service to the City and was building because of their family needs.

(10) **APPEAL NO. 99-192**

SETH CHARNEY, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 15,
[1999, to Yury Trubnikov, permit to Erect
[a Building (eight live/work units) at 1025
[Minna Street.
[APPLICATION NO. 9801703S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **CONTINUE** the matter to **March 15, 2000**.

SPEAKERS: **1.** Seth Charney, appellant, described the affect of the proposal on the light to his tenants' rear yard and compared project to New York tenements banned there in the 1880's. **2.** Sue Hestor, attorney for appellant, described how the plans were in violation of mezzanine standards and complained that she had not been served with copies of the permit holder's response and plans. **3.** Yury Trubnikov described the project and revisions made to accommodate neighbors at direction of Planning. **4.** Edward Navarro spoke in support of the project and said the present vacant lot attracted dogs and drug dealers. **5.** Michael Ravkin said there were no grounds for the appeal and that the project meets all Code requirements. **6.** Laurence Kornfield discussed the mezzanine issue and the fire escapes required by Plan Check after the Planning Commission approval. **7.** Larry Badiner, Planning Department described the side setbacks required by the Planning Commission.

(11) **APPEAL NO. 99-193**

COALITION FOR JOBS, ARTS & HOUSING, Appellant vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[Protesting issuance on November 15, [1999, to Sixth & Bryant Streets LLC, [permit to Erect a Building (24 live/work [units) at 317 Harriet Street. [APPLICATION NO. 9905630S. [FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **RECUSE** Commissioner McInerney, who then left the room before any testimony was taken. Then after discussion, upon motion by Vice President Saunders, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit with findings.

SPEAKERS: **1.** Sue Hestor, attorney for appellant, opposed the project because the area near the Hall of Justice was sensitive and the parking lot to be lost was a sore blow for those on jury duty at the Hall. **2.** Alice Barkley, attorney for the permit holder, said that the neighbors supported the project and that the Commission approved this project since it was in the pipeline when the interim controls on live/work units were enacted. **FOR THE PROJECT:** Joe O'Donoghue said the loss of parking lot argument was a new one and that there was no real support for it. **6.** Larry Badiner for the Planning Commission said that parking is a serious problem but that it was for the City to solve, not private property owners.

Commissioner McInerney left the room at 11:00 p.m.; this matter was the last item on calendar.

(12) **APPEAL NO. 99-190**

TELEGRAPH HILL DWELLERS, Appellant vs. ZONING ADMINISTRATOR, Respondent	[Determination by the Zoning Admin- [istrator dated November 12, 1999 that [the proposed restaurant at 412 [Broadway, "BoysToys", does not require [conditional use authorization from the [Planning Commission since the Police [Department does not deem it adult [entertainment, and by the previous [interpretation the size of the restaurant [use has not been abandoned and the [proposed restaurant is a principal [permitted use in the Broadway [Neighborhood Commercial District; also [requests disapproval of Planning [approval of Department of Public Health [restaurant permit. [FOR HEARING TODAY.

ACTION: After discussion, the Board voted 4-0 (Commissioner McInerney absent) to **CONTINUE** the matter to **March 8, 2000**.

SPEAKERS: 1. Walter Wong for the subject restaurant requested to reschedule to March 29. **2.** Aaron Peskin, appellant, said March 29 was no good and accepted March 8, 2000.

(13) **APPEAL NO. 99-191**

TOBY LEVY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated November 15, 1999 that
[Lot 30, Block 9794 (555 Birch Street) is
[limited to construction of a one-family
[house for lack of 116.4 square feet of lot
[area in the RM-1 zoning district; and the
[variance granted in 1979 no longer
[controls the density permitted on this lot.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Zoning Administrator with findings and allow a two-family house to be built on the subject lot as requested by the appellant.

SPEAKERS: 1. Larry Badiner explained the Zoning Administrator's position limiting development of the lot split and said Mr. Passmore had always accepted that lot would be for a two-family house. **FOR THE APPELLANT: 2.** Alice Barkley cautioned the Board not to interfere with a proper variance granted with no condition regarding time limits for implementation. **3.** Bernard Katzman supported the appeal and said the shortage of housing in the City was a strong argument to allow two units on this lot.

There being no further business, President Chin adjourned the meeting at 11:25 p.m.

Arnold Chin, President

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415
362-5991.

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, FEBRUARY 9, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 99-203**

ARTHUR & COLLEEN GIOVARA, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated December 9, 1999
[by the Zoning Administrator that upon
[the termination of St. Anthony
[Foundation's lease (currently scheduled
[for July 13, 2000) and the approval of a
[new use for the property at 1055 and
[1065-75 Pine Street, the Notice of
[Special Restrictions, recorded June 14,
[1982, restricting use to elderly housing
[units for women, will be released by the
[Planning Department.
[FOR HEARING TODAY.

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(4B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

(5) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Administrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

(6) **APPEAL NO. 99-158**

KATHLEEN HOWELL, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 24,
[1999, to Henry I. Prien, permit to Alter a
[Building (remove illegal unit in north
[garage) at 2140 Pacific Avenue.
[APPLICATION NO. 9912615.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-199**

TONY M. LO GIUDICE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December 8,
[1999, to Rung Guo, permit to Alter a
[Building (34'-4" rear horizontal addition)
[at 438 Holyoke Street.
[APPLICATION NO. 9907598S.
[FOR HEARING TODAY.

(8) **APPEAL NO . V99-196**

LAURA ARIAS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Decision by the Zoning Administrator
[dated December 2, 1999, denying a
[front yard variance (construction of a
[solarium at the roof of the garage which
[exists in the required 15' front setback)
[at 380 Laidley Street.
[VARIANCE CASE NO. 99.497V.
[FOR HEARING TODAY.

(9) **APPEAL NO. 99-188**

SAN FRANCISCO FOOD BANK, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APRPOVAL

[Protesting issuance on November 13,
[1999, to Brendan Quinlan, permit to
[Erect a Building (16 live/work units) at
[1000 Pennsylvania Avenue.
[APPLICATION NO. 9825933S.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, telephone (415) 554-6171, fax (415) 554-6177, and e-mail **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
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San Francisco, California 94103
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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, FEBRUARY 9, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice-President Sabrina Saunders, Commissioner Carole Cullum Commissioner Allam El Qadah, and Commissioner John McInerney, III.

Judith Boyajian, Deputy City Attorney; Larry Badiner, Chief of Neighborhood Planning, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert H. Feldman, Executive Secretary, for the Board.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Alice Barkley reported to the Board that the permit holders in Appeal No. 98-212 for the property at 38 West Clay Street have not yet complied with the conditions imposed by the Board last summer and asked that the Board see that they were. **2.** Laurence Kornfield, Chief Building Inspector, DBI, reported that he has attempted to reach the attorney for the permit holders without success and said he will report next week to the Board on the enforcement activity.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: President Chin thanked Commissioner McInerney for his efforts last year as Board President and presented him with a plaque from the Board in appreciation.

(3) **APPEAL NO. 99-203**

ARTHUR & COLLEEN GIOVARA, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination dated December 9, 1999
[by the Zoning Administrator that upon
[the termination of St. Anthony
[Foundation's lease (currently scheduled
[for July 13, 2000) and the approval of a
[new use for the property at 1055 and
[1065-75 Pine Street, the Notice of
[Special Restrictions, recorded June 14,
[1982, restricting use to elderly housing
[units for women, will be released by the
[Planning Department.
[FOR HEARING TODAY.

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ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **OVERRRULE** the Zoning Administrator's determination.

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, explained that the department had changed its position and now is willing to remove the Notice of Special Restrictions from the land records.

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **CONTINUE** this matter to **February 16, 2000**.

SPEAKERS: **1.** Robert H. Feldman, Executive Secretary, reported that that he had a conference call with Alex Weyand, attorney for Mr. Luk, and with Raquel Fox, attorney for the Mendozas, at 4 p.m. and that Mr. Weyand had requested the three appeals be put over one week because he has just come down with the flu. Ms. Fox agreed to this request.

(4B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **CONTINUE** this matter to **February 16, 2000**.

SPEAKERS: **1.** Robert H. Feldman, Executive Secretary, reported that that he had a conference call with Alex Weyand, attorney for Mr. Luk, and with Raquel Fox, attorney for the Mendozas, at 4 p.m. and that Mr. Weyand had requested the three appeals be put over one week because he has just come down with the flu. Ms. Fox agreed to this request.

(5) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **CONTINUE** this matter to **February 16, 2000**.

SPEAKERS: **1.** Robert H. Feldman, Executive Secretary, reported that that he had a conference call with Alex Weyand, attorney for Mr. Luk, and with Raquel Fox, attorney for the Mendozas, at 4 p.m. and that Mr. Weyand had requested the three appeals be put over one week because he has just come down with the flu. Ms. Fox agreed to this request.

(6) **APPEAL NO. 99-158**

KATHLEEN HOWELL, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on September 24,
[1999, to Henry I. Prien, permit to Alter a
[Building (remove illegal unit in north
[garage) at 2140 Pacific Avenue.
[APPLICATION NO. 9912615.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Department of Building Inspection and **DENY** the permit on **CONDITION** that the unit be occupied only by the appellant, on **CONDITION** that the life & fire safety violations be corrected, and on further **CONDITION** that the unit be removed altogether when the appellant vacates the premises.

SPEAKERS: **1.** Laurence Kornfield, Chief Building Inspector, DBI, reported a site visit made the day of the hearing and his observations of the subject unit, which is less than the required minimum of 144 square feet in area. **2.** Jeremy Paul, agent for appellant, described the support the appellant has received from other tenants and asked the Board to legalize the unit which is uniquely suited to the appellant's lifestyle as a flight attendant. **3.** Nubar Tashjian, attorney for permit holder, asked that the Board at least allow the tenant to remain, as she is a good tenant and often not there. He said if she is able to stay until she no longer needs it, that the City could take up the matter again. **4.** Larry Badiner, Chief of Neighborhood Planning, PD, said that he had approved the permit for removal of the unit but that he has not done any research as to the legality of the unit.

(7) **APPEAL NO. 99-199**

TONY M. LO GIUDICE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December 8,
[1999, to Rung Guo, permit to Alter a
[Building (34'-4" rear horizontal addition)
[at 438 Holyoke Street.
[APPLICATION NO. 9907598S.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice-President Saunders, the Board voted 5-0 to **GRANT** the permit on **CONDITION** that the rear yard extension be reduced by 5 feet, to 29 feet 4 inches.

SPEAKERS: **1.** Larry Badiner. Chief of Neighborhood Planning, PD, said that some revisions have been made to make the project more acceptable to the neighbors, but he welcomed a further reduction in the length of the addition. **2.** Ronald Parshall, agent for the appellant, asked those in support of the appeal to stand and ten people in the audience rose; he said that he was not notified of the discretionary review hearing and that the minor revisions made to the plans would not have a significant effect on the neighbor affected by sunlight blockage; he asked the Board to correct the mistake made by Planning in approving this project. **3.** Walter Wong, agent for permit holder, said that no neighbor had asked for discretionary review and that the permit was not issued in error, but was proper; he also said that cutting off more than 5 feet off the addition would create a hardship for the permit holder. **4.** Patrice Fambrini, agent for permit holder, described the support for the permit holder from some neighbors, including a retraction of opposition by one. **5.** Betty Parshall, in support of appellant, questioned the process that had approved the permit. **6.** Alice Barkley, in support of permit holder, said it was difficult for a family with children to live in houses of 38 feet in length as are the two adjacent homes; the project allows a 40 foot rear yard back to back with another 40 foot rear yard, at total of 80 feet which is like the width of Harrison Street at 82 feet between the buildings.

(8) APPEAL NO . V99-196

LAURA ARIAS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Decision by the Zoning Administrator
[dated December 2, 1999, denying a
[front yard variance (construction of a
[solarium at the roof of the garage which
[exists in the required 15' front setback)
[at 380 Laidley Street.
[VARIANCE CASE NO. 99.497V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **DENY** the variance.

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, explained how the five requirements for a variance had not been met. **2.** Jeremy Paul, agent for appellant, explained that the proposed solarium was needed to cure the leaking roof deck on which it is proposed to be built, and he described the diversity of the frontages and facades on Laidley Street. **3.** Timothy Lewis, in support of appellant, explained that he lives across the street and supports the project as an improvement in the looks of the building.

(9) APPEAL NO. 99-188

SAN FRANCISCO FOOD BANK, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APRPOVAL

[Protesting issuance on November 13,
[1999, to Brendan Quinlan, permit to
[Erect a Building (16 live/work units) at
[1000 Pennsylvania Avenue.
[APPLICATION NO. 9825933S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0 to **RECUSE** Commissioner McInerney, who left the hearing room at 7:16 p.m. After testimony, upon motion by Commissioner El Qadah, the

Board voted 3-1 (Commissioner Cullum dissenting) to GRANT the permit on CONDITION that the Notice of Special Restrictions have a 20 point bold type face and requirement for printing of initials in certain areas concerning assumption of risk, and on further CONDITION that the Notice of Special Restrictions be filed with the Police and Health Departments, with FINDINGS as adopted by the Planning Commission during its Discretionary Review hearing; 4 votes being necessary to impose conditions on a permit, and 3 votes being necessary to adopt findings, the permit is **GRANTED** with **NO CONDITIONS**, with **FINDINGS** as adopted by the Planning Commission during its Discretionary Review hearing.

SPEAKERS: **1.** Jose Allen, attorney for appellant, explained the Food Bank's concerns about the proposed live-work building next door. He described the charities which benefit from the Food Bank program and the bad odors created from their produce dumpster which will irritate occupants of the units being created, and the costs that will be incurred by the Food Bank defending itself and the threat to the many beneficiaries of the Food Bank posed by such complaints. **2.** Larry Badiner, Chief of Neighborhood Planning, PD, urged support for the project which the Planning Commission would not take under Discretionary Review after hearing the Food Bank's testimony; he also explained that this a pipeline project which will be a buffer between the Food Bank and its surrounding residential neighbors. **3.** James Reuben, attorney for permit holder, said that the permit was applied for before the Industrial Protection Zones (IPZ) were created in 1999; he also said that the lot had been vacant for four years before his client bought it; he also described the thoroughness of the Notice of Special Restrictions that will be filed and offered to revise it to meet the Board's usual standards. **4.** Mary Belknap, Operations Director for Children and Family Services at Catholic Charities, explained her three arguments against the project: a) bank will need room to grow, b) problems with new occupants next door will drain their limited resources, and c) her group joins all the others in opposing this project in the IPZ. **5.** Chris Moore explained how his group relies on the Bank for food for its tenants, including disabled, seniors, the terminally ill, a population that is growing. **6.** Gail Priestly of St. Anthony's Foundation said her group received $1.5 million worth of food from the Bank and that these two uses were not a good match since the live-work units will generate complaints. **7.** Sandra Vanderpool of Catholic Charities residential program said she has gotten food for ten years from the Bank to feed 50 young people and others in the program and that complaints about the Bank are guaranteed no matter how good the NSR is. **8.** Reverend Harry Chuck, Executive Director of Cameron House, said the project will severely impact the Bank and food for many families will be jeopardized from the only facility of its kind in the City. **9.** Major Robin Hu of the Salvation Army said the Bank has distributed 12 million tons of food to the needy and asked the Board to be compassionate. **10.** Daniel Lyon said he owns property near the Food Bank, that they are not bad neighbors, and that more residential units will be good for the neighborhood. **11.** Mal Rogers showed pictures of supermarkets in the Sunset with dumpsters along side and said that the Bank is like a supermarket and not remarkable nor incompatible with live-work units. **12.** Redmond Lyons said he was happy that the Bank went in and that their trucks were no problem for the area; he also said that he did a similar building on Illinois near the cement works and that there hasn't been any problems there. **13.** Mack Burton said he lives on Potrero Hill and it is a shame to see people pick up free food; he also feels it is time for people to get jobs and off welfare, and that 50 people will be employed by this project. **14.** Randy Allison said he lives nearby and said the subject lot was a junkyard for several years and now will finally look good with a live-work building on it. **15.** Alice Barkley, attorney for adjacent property owner John Protouty, described the interim controls, the negative declaration done for the controls and that the City is on target for approving about 500 live-work units a year as originally planned for. **16.** Joe O'Donoghue of the Residential Builders Association explained that his group had submitted a brief in support of this project and he objected to being demonized.

There being no further business, President Chin adjourned the meeting at 9:18 p.m.

Arnold Chin, President

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

30

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16/00

WEDNESDAY, FEBRUARY 16, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

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(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD;

ITEM A: Letter from Lynn Axelrod, attorney for Victor and Linda Vitlin, requesting that the Board take jurisdiction over Building Permit Application No. 9702332S, issued to Ed Tanser to erect a 200-unit (residential and live/work) building at 855 Folsom Street.

Date issued	December 23, 1999
Last day to appeal	January 7, 2000
Request for jurisdiction	February 3, 2000

SECOND REQUEST FOR REHEARING:

ITEM B: Letter from Raquel Fox, attorney for Frank Daijo, appellant requesting a second rehearing of Appeal No. 99-073, 470 – 25th Avenue. Hearing July 14, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice President Chin because of a conflict of interest. Then after testimony, upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to **UPHOLD** the department and **GRANT** the permit. Request for rehearing October 13, 1999. Upon motion by President McInerney, the Board voted 5-0 to **RECUSE** Vice President Chin because of conflict of interest. Then upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to grant the request for rehearing. Four votes are needed and the motion failed. The request was **DENIED**. Notice of Decision and Order released October 18, 1999. Request for suspension of rules January 26, 2000. Upon motion by Commissioner Cullum, the Board voted 4-0 to **RECUSE** President Chin. Afterwards, upon motion by Commissioner Cullum, the Board voted 3-1 (Commissioner McInerney dissenting) to **SUSPEND THE RULES** and set aside its October 13, 1999 decision denying the request for rehearing, thus giving the appellant another 10-day period to file a request for rehearing.

REQUEST FOR REHEARING:

ITEM C: Letter from Donald Trierweiler, appellant requesting rehearing of Appeal No. 99-126, revocation of taxicab medallion. Hearing January 26, 2000. Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Taxicab Commission's resolution revoking Taxicab Medallion No. 654. Then upon motion by Commissioner Cullum, the Board voted 5-0 to **ADOPT** the findings prepared by Thomas Owen, Deputy City Attorney.

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(4B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

(5) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

(6) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated September 24, 1999 that
[the proposed screened off-street
[parking space in front of 1970 Jackson
[Street is not permitted under Planning
[Code Section 132(b) which requires a
[13-foot front setback, unless a variance
[is sought and granted.
[APPLICATION NO. 9918712.
[FOR FURTHER HEARING TODAY.

(7) **APPEAL NO. 99-166**

HAL LEININGER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 8, 1999,
[to Thomas and Susan Bernard, permit
[to Alter a Building (to complete work
[started under PA #8404649 and
[extended under PA #8805005; remove
[two walls, one parapet wall, and firewall)
[at 1920 Golden Gate Avenue.
[APPLICATION NO. 9921351.
[FOR HEARING TODAY.

(8) **APPEAL NO. V99-204**

SARAH & PETER MORSE, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Decision by the Zoning Administrator
[dated December 14, 1999, denying a
[Rear Yard Variance (convert basement
[into habitable ground level, reduce
[length of existing raised deck so as to
[create a new garden/patio at ground
[level, replace existing retaining wall and
[fence, install new gate at rear property
[line, and remodel existing main floor of
[the rear cottage) at 2847-2851 Clay
[Street.
[VARIANCE CASE NO. 99.523V.
[FOR HEARING TODAY.

(9) **APPEAL NO. 99-205**

JEROME BARULICH & BRUCE SCHNEIDER,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[dated December 16, 1999 that smoke
[and odors emitted by the rooftop
[exhaust vents of Eliza's Restaurant at
[1457-18th Street did not reach the level
[of offensiveness that would be a
[violation of Planning Code Section
[703.2(b)(2)(B), and recommending that
[owners and neighbors seek assistance
[of a mediation service.
[FOR HEARING TODAY.

(10) **Proposed Annual Department Budget for Fiscal Year 2000-2001**. For public hearing, consideration and adoption.

Copies are available at Board office.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, telephone (415) 554-6171, fax (415) 554-6177, and e-mail **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, FEBRUARY 16, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Chief of Neighborhood Planning, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert H. Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: Executive Secretary informed the Board that he was scheduling on March 1, 2000 Appeal No. 98-212 for Clarification of Conditions imposed after public hearing on July 14, 1999, as they had requested, and would inform the parties and counsel by mail.

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD;

ITEM A: Letter from Lynn Axelrod, attorney for Victor and Linda Vitlin, requesting that the Board take jurisdiction over Building Permit Application No. 9702332S, issued to Ed Tanseu to erect a 200-unit (residential and live/work) building at 855 Folsom Street.

Date issued	December 23, 1999
Last day to appeal	January 7, 2000
Request for jurisdiction	February 3, 2000

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **DENY** the request for jurisdiction.

SPEAKERS: **1.** Lynn Axelrod, attorney for requestor, asked the Board to allow her client to file a late appeal because she had tried diligently to find out if a permit had been issued but was not told it had been by DBI until after the appeal period had ended. She said there was no indication to her that the permit was issued pursuant to a conditional use authorization. **2.** Ed Tanseu, permit holder said that his permit was pursuant to Planning Commission Motion No. 14772 which approved his residential-live work project and that the requestor knew this since he had appealed it to the Board of Supervisors and lost. **3.** Larry Badiner for the Planning Commission supported Mr. Tanseu's statement concerning the conditional use history of the project.

SECOND REQUEST FOR REHEARING:

ITEM B: Letter from Raquel Fox, attorney for Frank Daijo, appellant requesting a second rehearing of Appeal No. 99-073, 470 – 25th Avenue. Hearing July 14, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice President Chin because of a conflict of interest. Then after testimony, upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to **UPHOLD** the department and **GRANT** the permit. Request for rehearing October 13, 1999. Upon motion by President McInerney, the Board voted 5-0 to **RECUSE** Vice President Chin because of conflict of interest. Then upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to grant the request for rehearing. Four votes are needed and the motion failed. The request was **DENIED**. Notice of Decision and Order released October 18, 1999. Request for suspension of rules January 26, 2000. Upon motion by Commissioner Cullum, the Board voted 4-0 to **RECUSE** President Chin. Afterwards, upon motion by Commissioner Cullum, the Board voted 3-1 (Commissioner McInerney dissenting) to **SUSPEND THE RULES** and set aside its October 13, 1999 decision denying the request for rehearing, thus giving the appellant another 10-day period to file a request for rehearing.

ACTION: **RESCHEDULED** prior to hearing to **April 5, 2000** at the request of the permit holder with the agreement of the appellants.

SPEAKER: The Executive Secretary reported that the permit holder had telephoned late in the afternoon to say he did not have counsel yet and requested that the matter be put over to April 5, 2000 so that he could be properly represented; Raquel Fox, attorney for appellant, had been informed and agreed.

REQUEST FOR REHEARING:

ITEM C: Letter from Donald Trierweiler, appellant requesting rehearing of Appeal No. 99-126, revocation of taxicab medallion. Hearing January 26, 2000. Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Taxicab Commission's resolution revoking Taxicab Medallion No. 654. Then upon motion by Commissioner Cullum, the Board voted 5-0 to **ADOPT** the findings prepared by Thomas Owen, Deputy City Attorney.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner El Qadah dissented) to **DENY** the request for rehearing.

SPEAKERS: **1.** Donald Trierweiler, appellant, requested a rehearing based on his 1990 physician's report on his herniated disc problem. **2.** Thomas Owen, Deputy City Attorney for the Taxicab Commission, argued that the report was already in the record and was of no relevance to the present revocation nor did it justify a rehearing of the appeal.

MINUTES OF THE MEETING OF BOARD OF APPEALS, FEBRUARY 16, 2000

Items (4A) and (4B) were heard together

(4A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where accessible)
[at 3647 – 23rd Street.
[APPLICATION NO. 9804149.
[FOR FURTHER HEARING TODAY.

(4B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling) at
[3647 – 23rd Street.
[APPLICATION NO. 9810383.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **April 5, 2000**.

SPEAKERS: **1.** Laurence Kornfield, Chief Building Inspector, reported on his review of the City records as to the legal number of units in the subject building, two over a commercial level. **2.** Raquel Fox, attorney for the appellants, reported on the litigation still pending between her client and the property owner/permit holder. She said that one of the permits was issued in error and that they should both be revoked, referring to the documents attached to her letter to the Board. She said the building was legally three residential units and one commercial unit. **3.** Martin Mendoza, son of the appellant, said he was raised in this building and described the way it was configured when he was young, always as four units. **4.** Alex Weyand, attorney for the permit holder, reported that a jury had rejected the appellants' arguments and that the jury was from all walks of life. He said the case would be heard again in a couple of months and he questioned whether the Board had any jurisdiction since the trial had decided many issues regarding eviction of the Mendozas under the Ellis Act. **5.** Judith Boyajian advised the Board that they did have jurisdiction over the building permits appealed. She said the two newest Commissioners could not vote on the matter until they had reviewed transcripts of the original hearings in 1998 and 1999.

(5) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business at 3647-49
[- 23rd Street is limited by Planning Code
[Sections 182, 710.40 and 790.102(e) to
[serve only the immediate neighborhood
[with all washing and cleaning done
[on-site and with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **CONTINUE** the matter to **April 5, 2000.**

SPEAKER: Alex Weyand, attorney for the appellants, asked that this matter also be continued to April 5, 2000.

(6) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated September 24, 1999 that
[the proposed screened off-street
[parking space in front of 1970 Jackson
[Street is not permitted under Planning
[Code Section 132(b) which requires a
[13-foot front setback, unless a variance
[is sought and granted.
[APPLICATION NO. 9918712.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Vice President Saunders absent) to **RESCHEDULE** the matter to **March 29, 2000**.

SPEAKERS: **1.** The Executive Secretary reported on the letter received from the appellants requesting the appeal be continued to March 29, 2000 to allow time for them to negotiate conditions of the variance granted to them for an off-street parking space. **2.** Larry Badiner, Chief of Neighborhood Planning, representing the Zoning Administrator, agreed to the continuance since the final decision on the variance application has not been issued nor the conditions decided on.

(7) **APPEAL NO. 99-166**

HAL LEININGER, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on October 8, 1999,
[to Thomas and Susan Bernard, permit
[to Alter a Building (to complete work
[started under PA #8404649 and
[extended under PA #8805005; remove
[two walls, one parapet wall, and firewall)
[at 1920 Golden Gate Avenue.
[APPLICATION NO. 9921351.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Vice President Saunders absent) to **RESCHEDULE** the matter to **April 26, 2000**.

SPEAKERS: **1.** The Executive Secretary reported on the request by the permit holder for rescheduling the hearing to April 26 so that he can have plans prepared which comply with the Code. **2.** Hal Leininger, the appellant, objected to the rescheduling.

MINUTES OF THE MEETING OF BOARD OF APPEALS, FEBRUARY 16, 2000

(8) **APPEAL NO. V99-204**

SARAH & PETER MORSE, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Decision by the Zoning Administrator
[dated December 14, 1999, denying a
[Rear Yard Variance (convert basement
[into habitable ground level, reduce
[length of existing raised deck so as to
[create a new garden/patio at ground
[level, replace existing retaining wall and
[fence, install new gate at rear property
[line, and remodel existing main floor of
[the rear cottage) at 2847-2851 Clay
[Street.
[VARIANCE CASE NO. 99.523V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **GRANT** the variance with findings.

SPEAKER: **1.** Larry Badiner for the Zoning Administrator explained the project and how it failed to meet the five requirements required for granting a variance, especially since there was no hardship due to the land. **2.** Peter Morse, the appellant, explained the personal hardship for his wife in using the front flat and the need for their fixing the rear cottage and moving into it. He said they had the support of all their neighbors. **4.** Bruce Bonacker, architect for the Morses, explained with a chart how many of the surrounding properties are larger than the Morse property, and that the project will result in bringing the cottage up to neighborhood standards and will increase the garden for the benefit of the Morses and the tenants in Ms. Goldman's building next door. **Public Comment in Support of the Appellants:** **5.** Kris McIntosh spoke briefly in support of the project and said the Morses were good neighbors. **6.** Margo Golden, owner of the abutting property, said they share a common easement and the project will reduce the size of the deck and create a garden her tenant would benefit from. **7.** Linda Klonda noted that the proposed basement bedroom will not increase the cottage's envelope, the Pacific Heights Residents Association does not oppose the project or the variance, and the project will enhance the neighborhood.

(9) **APPEAL NO. 99-205**

JEROME BARULICH & BRUCE SCHNEIDER,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[dated December 16, 1999 that smoke
[and odors emitted by the rooftop
[exhaust vents of Eliza's Restaurant at
[1457-18th Street did not reach the level
[of offensiveness that would be a
[violation of Planning Code Section
[703.2(b)(2)(B), and recommending that
[owners and neighbors seek assistance
[of a mediation service.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0 to **RECUSE** Commissioner McInerney, who left the room at 7:39 p.m. Then after discussion, upon motion by Vice President Saunders the Board voted 4-0 to **UPHOLD** the Zoning Administrator.

SPEAKERS: 1. Larry Badiner, Chief of Neighborhood Planning, PD, explained the determination and the investigation by the Planning staff of the complaints regarding smoke and odors from the restaurant, including three site visits. **2.** Jerome Barulich, co-appellant, showed a video of the rooftop of the restaurant at several noon hours showing smoke being emitted from a chimney and explained his history of complaints against the restaurant. **3.** Bruce Schneider, co-appellant, offered letters from other neighbors who suffer from the smoke and odors from Eliza's, and said he cannot open his windows and must accept reduced rentals from his units because of these nuisances; he felt the evidence was overwhelming. **4.** Joel Yodowitz, attorney for Eliza's, described the site visits by the Planning staff and said the Planning Code has a different standard than the Clean Air Act and the Bay Area Air Quality Management District. He said his client has tried to work out problems with the appellants but could never please them. **5.** Joe Yick said his firm had installed the vent originally when Eliza's moved in, and that moving the vent to a different spot on the roof would not be productive because of the winds and air currents. **6.** William Saltz, City Inspector with the Bay Area Air Quality Management District, reported on his investigations of the complaints about Eliza's; he said no citations have been issued since there has never been the five complaints within a 24 hour period necessary to trigger a citation. **7.** James Ting, also a City Inspector for the Bay Area Air Quality Management District, reported on the 10 to 20 times he received complaints regarding the smoke and odors from Eliza's roof vent; he said they could only confirm that there was smoke and odor but would not measure it. **Public Comment in Support of Eliza's: 8.** Arienne Landry said she operates the hamburger restaurant nearby and that Ms. Sung of Eliza's has helped her; she also said that it only took three hours to fill many pages of signatures in support of Eliza's, and that she felt the complaints were a complete waste of time. **9.** Robert Garner, a neighbor at 314 Missouri, said that he lives next to Mr. Schneider's building, only five feet from his deck, and has never had a problem with Eliza's; he also said that Potrero Hill feels that Eliza's is one of the best things to happen there. **10.** Shannon Harrison said she works at home with an office on her deck and her door open and that no aromas from Eliza's bother her; she also said Eliza's prepares healthy, non-fried food, and that Eliza's has increased the property values in the area, and that older neighbors unable to attend this hearing asked her to convey their support for Eliza's. **11.** Frank Clauss of 437 Pennsylvania Avenue said he eats at Eliza's three or four times a month and he has not noticed any problems from smoke or odors. **12.** Mary Jean Kloss said the restaurant is always immaculate inside and out. **13.** Irving Zaretsky, the owner of the building, said Ms. Sung is the best tenant he has ever had and that every possible attempt has been made to ameliorate the problem, but to no avail; he also described the history of the building from its construction as a bakery. **14.** Jan Sung, one of the owners of Eliza's, explained how she has tried to keep the property clean and address the concerns of the appellants.

(10) **Proposed Annual Department Budget for Fiscal Year 2000-2001.** For public hearing, consideration and adoption. Copies are available at Board office.

SPEAKERS: No one from the public spoke. **1.** Commissioner McInerney recommended $50,000 be added to the budget for technological improvements to allow the staff to meet the Prop G requirements for public information. **2.** President Chin suggested $6,000 be added for funding community meetings for the Board to go into neighborhoods to explain its role in government and to hear the concerns of the people. **3.** Commissioner El Qadah suggested money be requested for furniture for the office to make it a professional ergonomic environment for the staff. **4.** Commissioner Cullum asked for a letter to the City Administrator requesting more appropriate office space for the office.

MINUTES OF THE MEETING OF BOARD OF APPEALS, FEBRUARY 16, 2000

There being no further business, President Chin adjourned the meeting at 8:54 p.m.

Arnold Chin, President

Robert H Feldman
Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

Agenda

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1/00

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 1, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **CLARIFICATION OF CONDITIONS:** Appeal No. 98-212 heard July 14, 1999 for the property at 38 West Clay Street, Rainer and Beatrice Baldauf, appellants, and DeLeys Brandman, permit holder (Application No. 9824371). Board upheld permit on condition the permit holder revise plans to vent the kitchen range on the roof and close up the side wall vent, with appellants to pay 55% of the necessary and reasonable costs up to $5,500.

(4) **CONSENT ITEM:** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 00-020**

FRANK LEMBI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty imposed
[on January 31, 2000 for work done at
[980 Bush Street.
[APPLICATION NO. 9923475.
[FOR HEARING TODAY.

5) **APPEAL NO. 00-007**

ESPERANZA ZAVALA & OTTO R. CARDONA, dba
"ESPERANZA'S BAR & GRILL", Appellants
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 29, 1999, of Billiard
[Parlor permit at 80 – 29th Street.
[FOR HEARING TODAY.

6) **APPEAL NO. 99-051**

HOC NGUYEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Request dated March 29, 1999 for sus-
[pension of Building Permit Application
[No. 9902213 issued February 2, 1999
[for installation of 22 windows on the
[north and west of the building at 700
[Great Highway, for reason the
[replacement windows do not comply
[with the Design Guidelines for Ocean
[Beach Parcel 3 approved as part of
[87.081CPCP, Motion No. 11278 of the
[Planning Commission.
[FOR FURTHER HEARING TODAY.

7) **APPEAL NO. 00-005**

GEORGE & AMY LUO, Appellants
vs.
DEPT. OF PUBLIC WORKS, Respondent

[Denial on December 29, 1999, of permit
[to Remove and Replace three trees at
[2390 – 39th Avenue.
[ORDER NO. 172, 095.
[FOR HEARING TODAY.

(8) **APPEAL NO. 99-184**

LOUISE BIRD, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 3,
[1999, to Farias Outdoor, permit to Paint
[a Wall Sign at 146 King Street.
[APPLICATION NO. 9923443.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-006**

PATRICIA A. McCOLM, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December 30,
[1999, to Marc Balistreri, permit to Alter a
[Building (excavate basement for eight
[foot ceiling; construct new foundation;
[construct new bedroom and family room
[in basement with bath and laundry;
[widen garage door; relocate partitions
[for new bedrooms and bath) at 575
[Miramar Avenue.
[FOR HEARING TODAY.

(10) **APPEAL NO. 00-002**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[strator dated December 21, 1999 that
[Sectorbase.com LLC, a multi-media
[business, is a principal permitted use at
[2701- 16th Street in the M-1 (Light
[Industrial) district since it is a "Business
[Service" under Planning Code Section
[222 with an off-street parking require-
[ment of 18 spaces.
[FOR HEARING TODAY.

(11) **APPEAL NO. 00-008**

JUDY L. WEST, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated January 5, 2000 that
[expansion of the non-complying rear
[structure at 321 Potrero Avenue cannot
[be approved until a variance from the
[rear yard standards for residential
[blocks of buildings in M-1 (Light
[Industrial) districts has been granted,
[and the fact that serious strengthening
[and disabled access is being provided
[as part of the proposed expansion has
[no bearing on this determination.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Marke Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessibl services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Pol Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the publi Commissions, boards, councils and other agencies of the City and County exist to conduct t people's business. This ordinance assures that deliberations are conducted before the people ar that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Ta Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, S Francisco, CA 94102-4683, telephone (415) 554-6171, fax (415) 554-6177, and e-m **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from t Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, plea contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, f (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 1, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Chief of Neighborhood Planning, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **CLARIFICATION OF CONDITIONS:** Appeal No. 98-212 heard July 14, 1999 for the property at 38 West Clay Street, Rainer and Beatrice Baldauf, appellants, and DeLeys Brandman, permit holder (Application No. 9824371). Board upheld permit on condition the permit holder revise plans to vent the kitchen range on the roof and close up the side wall vent, with appellants to pay 55% of the necessary and reasonable costs up to $5,500.

ACTION: President Chin requested that the Department of Building Inspection report on progress in 60 days, May 3, 2000.

SPEAKERS: **1.** Alice Barkley, attorney for appellants, requested that the Board require compliance with its order of last July. **2.** DeLeys Brandman, permit holder, reviewed history of case and requested assurance that appellants will pay their part as required by the Board. **3.** Susan Lowenberg on behalf of appellants urged the Board to revoke the permit. **4.** Craig Brandman, permit holder, explained that money in attorney's escrow account was worrisome and said he would comply with the order to build as soon as the rainy season was over. **5.** Laurence Kornfield, Chief Building Inspector, DBI, explained that DBI has the power to cancel a permit and abate a nuisance if conditions of Board are not met.

(4) **CONSENT ITEM:** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) **APPEAL NO. 00-020**

FRANK LEMBI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[Appeal for Refund of Penalty imposed
[on January 31, 2000 for work done at
[980 Bush Street.
[APPLICATION NO. 9923475.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $573.95 for a total of $1,147.90.

SPEAKERS: **1.** Fred Kollerbohm, agent for appellant, explained that no work was done before permit was obtained. **2.** Laurence Kornfield, Chief Building Inspector, DBI, reported that the district inspector had seen little work done and consented to a reduction in the penalty to two times the regular fee.

(5) **APPEAL NO. 00-007**

ESPERANZA ZAVALA & OTTO R. CARDONA, dba
"ESPERANZA'S BAR & GRILL", Appellants
vs.
POLICE DEPARTMENT, Respondent

[Denial on December 29, 1999, of Billiard
[Parlor permit at 80 – 29th Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 2-3 (Vice President Saunders and Commissioners Cullum and El Qadah dissented) to **DENY** the permit. Four votes are needed to overrule and the denial is **UPHELD.**

SPEAKERS: **1.** Sergeant William Coggan, attorney for SFPD, explained why the Police denied the pool table permit for the bar based on its record of calls, complaints, and effects to be expected if granted. **2.** Esperanza Zavala, co-appellant, explained that complaints were generated by an irate neighbor who wants to put her out of business; she asked that she be given permission for a pool table just as many bars in the City have, and that it is not fair to deny her one. **Public Comment for Police:** **3.** Michae Pryfogle, husband of Elizabeth Baca, complaining neighbor, explained that adult customers of the bar were responsible for the noise problem. **4.** Joseph Porcoro, of the Northwest Bernal Alliance, spoke in opposition to pool table because it attracts a different element that his neighborhood group does not want; he said his group has good relations with 12 neighborhood bars and only this one causes problems. **5.** Royce Schumacher, also of the Northwest Bernal Alliance, said that the other 12 bars were on their side, and Zavala's was not. **Public Comment for Appellant:** **6.** Sandra Gonzalez offered to translate for appellant if it became necessary and said she was a customer and she observed no violence in the bar, and that the dirt from the nearby Safeway was being blamed on the bar. **7.** Antonio Ayala said he remembered a pool table in the bar when it was called "Tiffany's" and he felt there were no reasons not to allow this owner to have a pool table since it was a very clean place. **8.** Michael Moody said that pool players do not drink so much and that other places are jealous. **9.** Margarita Barahona (translated by Sandra Gonzalez) described her weekend visits to the bar and observing no problems. **10** Angelica Franco said she enjoys this bar, had observed no violence, and that the people are calm. **11** Anita Ybarra said she has known the appellant for 15 years and that she used to play pool; she has seen playing pool and that a table would not bring problems to this bar. **13.** Jim Ham of the Rainbow Novelty Company said he operates eighty pool tables at bars in the Bay Area and that when Tiffany's had a table there were no problems. **14.** Otto Cardona, co-appellant, said that the Police could not prove anything against them and that Police visits because of noise complaints came from the neighbors to harass them.

(6) **APPEAL NO. 99-051**

HOC NGUYEN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Request dated March 29, 1999 for sus-
[pension of Building Permit Application
[No. 9902213 issued February 2, 1999
[by the Zoning Administrator for install-
[ation of 22 windows on the north and
[west of the building at 700 Great
[Highway, for reason the replacement
[windows do not comply with the Design
[Guidelines for Ocean Beach Parcel 3
[approved as part of 87.081CPCP,
[Motion No. 11278 of the Planning
[Commission.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Saunders, the Board voted 5-0 to **UPHOLD** the Zoning Administrator's letter of suspension.

SPEAKERS: **1.** Jeremy Paul, agent for appellant, explained alternatives available and offered to use dark curtains behind the tinted glass and add muttons to give the windows the same look as others nearby. **2.** Jeff Chin, an architect, spoke on behalf of the appellant and said the exposure was awful being so close to the ocean, and that single pane windows were better than multiple pane ones. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, urged the Board to uphold the department's suspensions since this was a clear case of violation of the Commission's conditions, the Residential Guidelines and the Urban Design element of the General Plan, as well as of good taste.

(7) **APPEAL NO. 00-005**

GEORGE & AMY LUO, Appellants
vs.
DEPT. OF PUBLIC WORKS, Respondent

[Denial on December 29, 1999, of permit
[to Remove and Replace three trees at
[2390 – 39th Avenue.
[ORDER NO. 172, 095.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Department of Public Works and **DENY** the permit.

SPEAKERS: **1.** Cheryl Dupperrault, Urban Forestry Inspector, Department of Public Works, described the healthy condition of the subject trees and explained how these trees did not meet the department's guidelines for removal.

(8) **APPEAL NO. 99-184**

LOUISE BIRD, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 3,
[1999, to Farias Outdoor, permit to Paint
[a Wall Sign at 146 King Street.
[APPLICATION NO. 9923443.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Department of Building Inspection and **GRANT** the permit.

SPEAKERS: **1.** Jeffrey Leibowitz of the South End Citizen Advisory Committee spoke for the appellant and explained how the group was trying to avoid the problems Denver had in the area near their new ballpark with new controls expected in a few months after many hearings and a consensus by the neighborhood; he asked the Board to continue the appeal until the controls went into effect so this permit would be subject to the controls. 2. Larry Badiner, Chief of Neighborhood Planning, PD, explained that the Code did not allow for Discretionary Review of the sign permit and he confirmed what Mr. Leibowitz had said. 3. Patrick Richards, attorney for the permit holder, said the permit had been properly issued and that if the Board of Supervisors had wanted a moratorium they would have enacted one. **Public Comment for the Appellant:** 4. Paul Chow from the South Park Community agreed that the signs were an important part of City life but that they had to be reviewed carefully and he agreed with the appellants.

(9) **APPEAL NO. 00-006**

PATRICIA A. McCOLM, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December 30,
[1999, to Marc Balistreri, permit to Alter a
[Building (excavate basement for eight
[foot ceiling; construct new foundation;
[construct new bedroom and family room
[in basement with bath and laundry;
[widen garage door; relocate partitions
[for new bedrooms and bath) at 575
[Miramar Avenue.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **NO CONDITIONS**.

SPEAKERS: **1.** Patricia McColm, appellant, asked the Board to adopt conditions limiting construction hours and related restrictions which she feels are necessary to prevent unhealthy stress during her illness. **2.** Sal Balistreri, attorney for the permit holder, told the Board there was no need for restrictions on the permit and that the appellant had caused his client (and son) much distress; he also said that such restrictions would make the job last a year.

(10) **APPEAL NO. 00-002**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admi-
[nistrator dated December 21, 1999 that
[Sectorbase.com LLC, a multi-media
[business, is a principal permitted use at
[2701- 16th Street in the M-1 (Light
[Industrial) district since it is a "Business
[Service" under Planning Code Section
[222 with an off-street parking require-
[ment of 18 spaces.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **UPHOLD** the Zoning Administrator's determination with **FINDINGS**.

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, explained the Determination and how the multimedia industry was considered a "Business Service" and not an "Office Use." **2.** Sue Hestor, attorney for appellant, complained that the Planning Department keeps approving these multi-media uses as "Business Services" instead of as "Office Uses," thereby sparing them the affordable housing and child care fees levied on office conversions, in this case about $700,000 for housing and $100,000 for child care. **3.** Laurence Kornfield, Chief Building Inspector, DBI, reported that his department treats these as "Office Use" for Building Code purposes. **4.** Timothy Tosta, attorney for Sectorbase.com, described the discretionary power of the Zoning Administrator to determine use categories that are not in the Planning Code; he described the Internet industry and how his client's business was like the publishing business and not an "Office Use." **Public Comment for Appellant: 5.** Doug Shoemaker of the Mission Housing Development Corporation argued that logically if this were an insurance business it would be considered an "Office Use" and that it was a false analogy to consider it like publishing since it had none of the noxious dangerous aspects of the old industry. **6.** Jake McGoldrick said that Proposition M of 1986 was the heart of the matter with a nexus of needs and impacts of office development. **7.** Eric Quezada from a grass-roots organization in the Mission District said the new businesses coming in have a profound impact, putting pressure on housing and that the determination was a bad precedent. **8.** Joan Holden of the San Francisco Mine Troupe said that the arts are endangered by the new industries, which use space formerly available to artists and performers. **Public Comment for the Zoning Administrator: 9.** Jim Gonzalez of the Technology & Information Coalition described recent changes in the Mission and how he welcomes the new i9ndustry; he said the ".com" industry would pay for affordable housing and child care as soon as the Board of Supervisors enact new regulations that cover them. **10.** Donald Lee, the current tenant of the subject property, said he searched six months and found good space with easier access to transportation and he supports the determination. **11.** Reverend Arnold Townsend spoke in support of Sectorbase.com and described how it seeks to be in the City because of its ethnic and cultural diversity. **12.** Seguei Panskikh, an engineer in the Internet industry, encouraged the Board to support the ".com" businesses which are good for the City. **13.** Christopher Thunberg said that Sectobase.com creates opportunities wherever they locate.

(11) **APPEAL NO. 00-008**

JUDY L. WEST, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated January 5, 2000 that
[expansion of the non-complying rear
[structure at 321 Potrero Avenue cannot
[be approved until a variance from the
[rear yard standards for residential
[blocks of buildings in M-1 (Light
[Industrial) districts has been granted,
[and the fact that serious strengthening
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[no bearing on this determination.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin and Commissioners McInerney and El Qadah dissented) to overrule the Zoning Administrator's determination. Four votes are needed and the motion failed. The determination is **UPHELD**.

SPEAKERS: 1. Jeremy Paul, agent for appellant, said that the work the appellant wants to do on the roof of the rear building will not affect the occupants of the front residential building so that requiring the appellant to seek a rear yard variance was not appropriate; he also said that the development of the M districts was different then the residential districts where rear yards and the variance process made sense. **2.** Larry Badiner, Chief of Neighborhood Planning, PD, explained the reason that the work proposed on the rear building required the granting of a variance since the whole rear building is non-complying with the rear yard standards and is built entirely in the required rear yard of the residences in the front building. **Public Comment for the Appellant: 3.** Olga Kist of 470 Potrero Avenue said it had taken three years to get through the variance process and that the unusual development pattern in the M districts should make the variance unnecessary. **4.** Michael Spaer said that work proposed would make no change in the rear building's footprint or in the open space area between the buildings, making a variance unnecessary. **5.** Anita Margrill, an architect, said she had a similar situation in renovating an old building with a courtyard and that a variance should not be required.

There being no further business, President Chin adjourned the meeting at 10:00 p.m.

Arnold Chin, President

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 8, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 00-016**

WAEL QAHHAZ, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Suspension of six months and two year
[probation imposed on December 16,
[1999, of driver of public vehicle permit
[(JURISDICTION GRANTED JANUARY
[26, 2000).
[RESOLUTION NO. 74-99.
[FOR HEARING TODAY.

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 98-136**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to
[Demolish a Building at 407 Connecticut
[Street.
[APPLICATION NO. 9715365
[FOR FURTHER HEARING TODAY.

(4B) **APPEAL NO. 98-137**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to
[Erect a Building (two dwelling units) at
[407 Connecticut Street.
[APPLICATION NO. 9715364.
[FOR FURTHER HEARING TODAY.

(5) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappaca-
[sse, permit to Alter a Building (remove
[walls to provide parking spaces and
[remove daycare facility) at 2234-2236
[Francisco Street.
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18,
[1999.
[FOR FURTHER HEARING TODAY.

(6) **APPEAL NO. 00-015**

CHRONICLE BROADCASTING CO., Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent

[Protesting issuance on January 13,
[2000, to JCDecaux San Francisco, Inc.,
[permit to install an automatic pay toilet
[at the NW corner of Van Ness Avenue
[and O'Farrell Street.
[PERMIT NO. 2000PT-001.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-018**

GARRETT & LORI VAN WAGONER, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 1, 2000, of permit to
[Alter a Building (new bay window at rear
[façade first floor and balcony) 3630
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[APPLICATION NO. 9909429S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-011**

SAM & HESTER NAKAMURA, Appellants
vs.
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PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 11,
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[a Building (remodel existing home and
[rear addition) at 14 Harris Place.
[APPLICATION NO. 9914126S.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-012**

GREGORY B. BLEDNYH, Appellant
vs.
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PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 10,
[2000, Steve and Koko Fujii, permit to
[Alter a Building (interior remodel of
[kitchen, bath, bedrooms; replace deck
[on north side with solarium; extend
[building on west side of second level
[approximately four feet) at 181 Edgehill
[Way.
[APPLICATION NO. 9713647S.
[FOR HEARING TODAY.

(10) **APPEAL NO. 99-190**

TELEGRAPH HILL DWELLERS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin-
[istrator dated November 12, 1999 that
[the proposed restaurant at 412
[Broadway, "BoysToys", does not require
[conditional use authorization from the
[Planning Commission since the Police
[Department does not deem it adult
[entertainment, and by the previous
[interpretation the size of the restaurant
[use has not been abandoned and the
[proposed restaurant is a principal
[permitted use in the Broadway
[Neighborhood Commercial District; also
[requests disapproval of Planning
[approval of Department of Public Health
[restaurant permit.
[FOR HEARING TODAY.

(11) **APPEAL NO. V00-010**

ALI KHOSTOVAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 9, 1999 of Parking
[Variance (to add one unit to an existing
[five-unit building without providing the
[required parking space) at 1133 Hayes
[Street (JURISDICTION GRANTED ON
[JANUARY 12, 2000).
[VARIANCE CASE NO. 99.613V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Cathe Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possi

Minutes of the hearing are available in alternative formats. If you require the use of a reader du the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rel disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In o to assist the City's efforts to accommodate such people, attendees at public meetings are remin that other attendees may be sensitive to various chemical based products. Please help the Cit accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible M Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Ma Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI access services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across F Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be availabl

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pu Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franci Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, S Francisco, CA 94102-4683, telephone (415) 554-6171, fax (415) 554-6177, and e-r **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, plea contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, f (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 8, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, and Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Chief of Neighborhood Planning, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Vice-President Sabrina Saunders.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: Commissioner El Qadah congratulated President Chin and Commissioner McInerney on their being re-appointed for four more years by the Mayor.

(3) **APPEAL NO. 00-016**

WAEL QAHHAZ, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Suspension of six months and two year
[probation imposed on December 16,
[1999, of driver of public vehicle permit
[(JURISDICTION GRANTED JANUARY
[26, 2000).
[RESOLUTION NO. 74-99.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 (Vice-President Saunders absent) to **UPHOLD** the Taxicab Commission's Resolution on **CONDITION** that the 6 month suspension be reduced to 4 months, with the 2 year probation period unchanged.

SPEAKERS: **1.** Thomas Owen, Deputy City Attorney, for the Taxicab Commission, described the incidents with passengers and the failure to have proper waybills that led to the suspension and probation of the appellant. **2.** Wael Qahhaz, appellant, told about the incidents from his point of view and said that he never had problems driving and that driving a cab was his life. **3.** Sgt. Vince Simpson, Taxicab Detail, San Francisco Police Department, explained the pattern of abusive language present in this case and how it led to the suspension; he also said there have been three complaints against the appellant since the Taxicab Commission action.

Items (4A) and (4B) were heard together

(4A) **APPEAL NO. 98-136**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to
[Demolish a Building at 407 Connecticut
[Street.
[APPLICATION NO. 9715365
[FOR FURTHER HEARING TODAY.

(4B) **APPEAL NO. 98-137**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on July 15, 1998, of permit to
[Erect a Building (two dwelling units) at
[407 Connecticut Street.
[APPLICATION NO. 9715364.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Vice-President Saunders absent) to **CONTINUE** this matter to **April 12, 2000**.

SPEAKERS: Paul Minton, concerned neighbor, asked the Board to not continue the cases to March 15 since he will be out of town that day and suggested April 12, May 10, 24, or 31.

(5) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappaca-
[sse, permit to Alter a Building (remove
[walls to provide parking spaces and
[remove daycare facility) at 2234-2236
[Francisco Street.
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18,
[1999.
[FOR FURTHER HEARING TODAY.

ACTION: This matter was **CONTINUED** to **April 12, 2000** at the request of the permit holder with the agreement of the appellant.

SPEAKERS: **1.** Lawrence Alioto, attorney for appellant, reported that the appellant had filed for a variance application which had been heard last week, but that no decision had been issued by the acting

Zoning Administrator; he also said that continuing the case to April 12th would allow for either side to appeal the variance decision and for both cases to be heard at the same time.

(6) **APPEAL NO. 00-015**

CHRONICLE BROADCASTING CO., Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent

[Protesting issuance on January 13,
[2000, to JCDecaux San Francisco, Inc.,
[permit to install an automatic pay toilet
[at the NW corner of Van Ness Avenue
[and O'Farrell Street.
[PERMIT NO. 2000PT-001.
[FOR HEARING TODAY.

ACTION: This appeal was **WITHDRAWN** by the appellant prior to hearing.

SPEAKERS: None.

(7) **APPEAL NO. 00-018**

GARRETT & LORI VAN WAGONER, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 1, 2000, of permit to
[Alter a Building (new bay window at rear
[façade first floor and balcony) 3630
[Jackson Street.
[APPLICATION NO. 9909429S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Vice-President Saunders absent) to **RESCHEDULE** this case to **March 15, 2000**.

SPEAKERS: **1.** Jeremy Paul, agent for appellant, asked that the case be rescheduled to the next meeting so that all five members could hear it. **2.** Tay Via, attorney for the neighbors supporting the denial, agreed to a rescheduling to March 15, 2000.

(8) **APPEAL NO. 00-011**

SAM & HESTER NAKAMURA, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 11,
[2000, to Scott Kalmbach, permit to Alter
[a Building (remodel existing home and
[rear addition) at 14 Harris Place.
[APPLICATION NO. 9914126S.
[FOR HEARING TODAY.

ACTION: This appeal was **WITHDRAWN** by the appellants prior to hearing.

SPEAKERS: None.

(9) **APPEAL NO. 00-012**

GREGORY B. BLEDNYH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 10, [2000, Steve and Koko Fujii, permit to [Alter a Building (interior remodel of [kitchen, bath, bedrooms; replace deck [on north side with solarium; extend [building on west side of second level [approximately four feet) at 181 Edgehill [Way.
[APPLICATION NO. 9713647S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0 (Vice-President Saunders absent) to **RESCHEDULE** this case to **March 15, 2000**.

SPEAKERS: **1.** Marc Seidenfeld, attorney for appellant, asked that the matter be rescheduled to next week so that all five members could participate. **2.** Christopher Moscone, attorney for permit holders, said he would be out of the country next week but that a member of his firm would attend the hearing.

(10) **APPEAL NO. 99-190**

TELEGRAPH HILL DWELLERS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning Admin- [istrator dated November 12, 1999 that [the proposed restaurant at 412 [Broadway, "BoysToys", does not require [conditional use authorization from the [Planning Commission since the Police [Department does not deem it adult [entertainment, and by the previous [interpretation the size of the restaurant [use has not been abandoned and the [proposed restaurant is a principal [permitted use in the Broadway [Neighborhood Commercial District; also [requests disapproval of Planning [approval of Department of Public Health [restaurant permit.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0 (Vice-President Saunders absent) to **RESCHEDULE** this case to **March 15, 2000**.

SPEAKERS: **1.** Walter Wong, agent for the real party in interest, "BoysToys," asked that the case be rescheduled to a later date so that all five members could participate. **2.** Aaron Peskin, agent for appellant, said he was willing to have the hearing tonight with only four members, but he was willing to put it over for five.

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, MARCH 8, 2000

(11) **APPEAL NO. V00-010**

ALI KHOSTOVAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 9, 1999 of Parking
[Variance (to add one unit to an existing
[five-unit building without providing the
[required parking space) at 1133 Hayes
[Street (JURISDICTION GRANTED ON
[JANUARY 12, 2000).
[VARIANCE CASE NO. 99.613V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Vice-President Saunders absent) to **RESCHEDULE** this case to **March 15, 2000**.

SPEAKERS: **1.** Ahmad Mohazab, agent for appellant, requested that the case be rescheduled to a later date because his client couldn't be present now. **2.** Deborah Henderson, a neighbor, asked the Board to improve the notification given to neighbors who had shown interest at the variance hearing.

There being no further business, President Chin adjourned the meeting at 6:46 p.m.

Arnold Chin, President

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

Agenda

WEDNESDAY, MARCH 15, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

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(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Jerome Barulich, appellant, requesting rehearing of Appeal No. 99-205, Eliza's Restaurant at 1457 – 18th Street. Hearing February 16, 2000. Upon motion by Vice President Saunders, the Board voted 4-0 to **RECUSE** Commissioner McInerney, who left the room at 7:39 p.m. Then after discussion, upon motion by Vice President Saunders, the Board voted 4-0 to **UPHOLD** the Zoning Administrator's determination that the smoke and odors emitted by the rooftop exhaust vents did not reach the level of offensiveness that would be a violation of the Planning Code.

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Barbara J. Harvey requesting that the Board take jurisdiction over Building Permit Application No. 9910085S issued to Alan Khoo and Betty Szeto for a two-story 25-foot rear horizontal addition at 2434 – 21st Avenue.

Date issued	January 25, 2000
Last day to appeal	February 9, 2000
Request for jurisdiction	February 29, 2000

(4) **APPEAL NO. 99-198**

2836 WASHINGTON STREET DEVELOPMENT, LLC, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on December 20, 1999, of permit
[to Alter a Building (install new garage;
[remodel entry stairs; add new window
[on first floor; add exterior siding) at
[2836 Washington Street.
[APPLICATION NO. 9903695S.
[FOR FURTHER HEARING TODAY.

(5) **APPEAL NO. 99-192**

SETH CHARNEY, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on November 15,
[1999, to Yury Trubnikov, permit to Erect
[a Building (eight live/work units) at 1025
[Minna Street.
[APPLICATION NO. 9801703S.
[FOR FURTHER HEARING TODAY.

(6) **APPEAL NO. 00-018**

GARRETT & LORI VAN WAGONER, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[Denial on February 1, 2000, of permit to
[Alter a Building (new bay window at rear
[façade first floor and balcony) 3630
[Jackson Street.
[APPLICATION NO. 9909429S.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-001**

MARIE & BOBBIE GRAVES, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on December 17,
[1999, to Karolis Riauba, permit to Alter
[a Building (construction of stairs and
[deck located in the rear of building) at
[350 Summit Street.
[APPLICATION NO. 9905938.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-012**

GREGORY B. BLEDNYH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[Protesting issuance on January 10,
[2000, Steve and Koko Fujii, permit to
[Alter a Building (interior remodel of
[kitchen, bath, bedrooms; replace deck
[on north side with solarium; extend
[building on west side of second level
[approximately four feet) at 181 Edgehill
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[APPLICATION NO. 9713647S.
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(9) **APPEAL NO. 99-190**

TELEGRAPH HILL DWELLERS, Appellant
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[Determination by the Zoning Admin-
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[Planning Commission since the Police
[Department does not deem it adult
[entertainment, and by the previous
[interpretation the size of the restaurant
[use has not been abandoned and the
[proposed restaurant is a principal
[permitted use in the Broadway
[Neighborhood Commercial District; also
[requests disapproval of Planning
[approval of Department of Public Health
[restaurant permit.
[FOR HEARING TODAY.

(10) **APPEAL NO. V00-010**

ALI KHOSTOVAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on December 9, 1999 of Parking
[Variance (to add one unit to an existing
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[Street (JURISDICTION GRANTED ON
[JANUARY 12, 2000).
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[FOR HEARING TODAY.

(11) **APPEAL NO. V00-014**

BARRY DEUTSCH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on January 18, 2000,
[to Chrysalis, LLC, Lot Width Variance
[(subdivide an existing 73.5' wide lot into
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[for property at 690 De Haro Street.
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[FOR HEARING TODAY.

(12) **APPEAL NO. V00-017**

PETER STRAUSS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appeal of Condition 2 of Rear Yard
[Variance (allow construction of a two-
[story rear addition that encroaches
[approximately 4'4" into the required rear
[yard) granted for property at 317
[Rutledge Street.
[VARIANCE CASE NO. 99.623V.
[FOR HEARING TODAY.

(13) **APPEAL NO. V00-019**

FREDERICK L. MILEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial of Rear Yard Variance (remodel
[and raise existing house from 23 to 27
[feet above grade; a portion of the
[building is already within the required
[rear yard) on January 25, 2000 for
[property at 1562 Masonic Avenue.
[VARIANCE CASE NO. 99.697V.
[FOR HEARING TODAY.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Marke Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessibl services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Pol Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the publi Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people ar that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francis Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Ta Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, S Francisco, CA 94102-4683, telephone (415) 554-6171, fax (415) 554-6177, and e-m **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from th Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.53 to register and report lobbying activity. For more information about the Lobbyist Ordinance, plea contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, f (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

S.F. Public Library
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Dept. 41

within the subject matter jurisdiction of the Board except agenda items. With respect

MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MARCH 15, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Chief of Neighborhood Planning, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President Chin explained the Board rules to the audience and requested their cooperation for the long calendar.

DOCUMENTS DEPT.
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SAN FRANCISCO
PUBLIC LIBRARY

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Jerome Barulich, appellant, requesting rehearing of Appeal No. 99-205, Eliza's Restaurant at 1457 – 18th Street. Hearing February 16, 2000. Upon motion by Vice President Saunders, the Board voted 4-0 to **RECUSE** Commissioner McInerney, who left the room at 7:39 p.m. Then after discussion, upon motion by Vice President Saunders, the Board voted 4-0 to **UPHOLD** the Zoning Administrator's determination that the smoke and odors emitted by the rooftop exhaust vents did not reach the level of offensiveness that would be a violation of the Planning Code.

ACTION: Upon motion by President Chin, the Board voted 4-0 to **RECUSE** Commissioner McInerney. Then after testimony, upon motion by Commissioner El Qadah, the Board voted 4-0 to **DENY** the request for rehearing.

SPEAKERS: **1.** Jerome Barulich, co-appellant, requested a rehearing so that several neighbors would have a chance to testify. **2.** Bruce Schneider, co-appellant, asked that the Planning Department conduct random video monitoring of the emissions of smoke from the restaurant's chimney. **3.** Joel Yodowitz, attorney for Eliza's Restaurant, asked the Board to deny the request for rehearing for lack of new evidence and said that the Code sections cited by the appellants were not relevant or were discussed at the hearing and that they were just asking for reconsideration of the original evidence.

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Barbara J. Harvey requesting that the Board take jurisdiction over Building Permit Application No. 9910085S issued to Alan Khoo and Betty Szeto for a two-story 25-foot rear horizontal addition at 2434 – 21st Avenue.

Date issued	January 25, 2000
Last day to appeal	February 9, 2000
Request for jurisdiction	February 29, 2000

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **DENY** the request for jurisdiction.

SPEAKERS: **1.** Barbara Harvey requested that the Board allow her to file a late appeal because the notice of issuance of the permit was sent to her husband's place of business and not her home as had been the Section 311 notice of application. **2.** Betty Szeto, permit holder, said she and her husband Alan Khoo had no intention of circumventing the process and that the dilapidated garage did not have a proper foundation and was near collapse when their contractor took it down. **3.** Laurence Kornfield, Chief Building Inspector, DBI, reported on his site visit on March 14, 2000, and said there was no permit issued for the demolition of the garage and that it was not proper to include the demolition of the garage on an alteration permit; he also thought there might be planning issues which would come out in the review of a demolition permit. **4.** Larry Badiner, Chief of Neighborhood Planning, PD, reported that the garage was a non-complying structure if it was in the required rear yard, and that there should be a Section 311 notice sent out for the project.

(4) APPEAL NO. 99-198

2836 WASHINGTON STREET DEVELOPMENT, LLC, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[2836 Washington Street.
[Denial on December 20, 1999, of permit
[to Alter a Building (install new garage;
[remodel entry stairs; add new window
[on first floor; add exterior siding).
[APPLICATION NO. 9903695S.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Planning Department and **GRANT** the permit with revised plans.

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, said that he had reviewed the revised plans and that they complied with the Planning Code requirements. **2.** Laurence Kornfield, Chief

Building Inspector, DBI, said he reviewed the revised plans with Tom Lee, plan checker, and that they were complete and the Board's issues were met, but there were several technical Code issues that would have to be resolved; he also said the plans had not yet been routed to DBI for checking. **3.** Carlos Alvarez, attorney for appellant, said that the four concerns of the Board had been addressed in the revised plans, and reminded the Board that the Planning staff had recommended approval of the project to the Planning Commission; he also said that Mr. Seidel no longer opposed the project. **4.** Ian Berke, on behalf of the Pacific Heights Residents Association, said that that the Board had been explicit about the four concerns and that they had said the serial permitting had to end. He said his group feared that the rear of the building would not be as they expected and the developer's history was not honorable. He felt there were many issues that could not be resolved and he asked the Board to retain jurisdiction to monitor the project.

(5) **APPEAL NO. 99-192**

SETH CHARNEY, Appellant	[1025 Minna Street.
vs.	[Protesting issuance on November 15,
DEPT. OF BUILDING INSPECTION, Respondent	[1999, to Yury Trubnikov, permit to Erect
PLANNING DEPARTMENT APPROVAL	[a Building (eight live/work units).
	[APPLICATION NO. 9801703S.
	[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 3-2 (Vice President Saunders and Commissioner Cullum dissented) to **GRANT** the permit. The Board then voted 5-0 to **RESCIND** the previous vote. Afterwards, upon motion by Commissioner McInerney, the Board voted 3-2 (Vice-President Saunders and Commissioner Cullum dissented) to **GRANT** the permit with **FINDINGS**.

SPEAKERS: **1.** Larry Badiner, representing the Planning Department, reminded the Board that it had continued the case to allow for Ms. Hestor to receive and review the submittal by the permit holder. **2.** Yury Trubnikov, the permit holder, said he had done 20 projects in the City and none had to be changed. He said only two properties on Minna Street have rear yards and that creating a rear yard on his project made no sense and that he was asking the Board to approve his project as it had been approved and issued. **3.** Sue Hestor, attorney for the appellant, said that the Planning Commission had required a ten-foot setback and then a fire escape had been added to reach a deck, not the ground, with existing problems described by Mr. Kornfield unresolved. **4.** Charlie Ledogar, a tenant on bottom floor of the appellant's building submitted a photo album to show how the project would take airspace next to the ungracious live/work building there already.

(6) **APPEAL NO. 00-018**

GARRETT & LORI VAN WAGONER, Appellants	[3630 Jackson Street.
vs.	[Denial on February 1, 2000, of permit to
DEPT. OF BUILDING INSPECTION, Respondent	[Alter a Building (new bay window at rear
PLANNING DEPARTMENT DISAPPROVAL	[façade first floor and balcony).
	[APPLICATION NO. 9909429S.
	[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit on **CONDITION** that the project/addition be pulled back one foot, with **FINDINGS** as contained in the report by the Planning staff.

SPEAKERS: **1.** Larry Badiner, representing the Planning Department, explained that the Planning Commission had denied the permit because of privacy issues. **2.** Jeremy Paul, representing the appellants, said that the project met the design review checklist and that the Planning staff had recommended approval. He said the design echoes the Julia Morgan architecture of the house. **Public Comment in Support of the Planning Department:** **3.** Tay Via, attorney for adjoining property owners Lisle and Roslyn Payne, said that under the Residential Design Guidelines (RDG) small gestures count as good neighbor gestures; she also said that the appellants had made many incorrect statements and that there was no evidence the project meets the RDG. **4.** Robert Baum, architect for adjoining property owners Lisle and Roslyn Payne, said that the Planning Commission required only minor modifications to avoid detrimental impact on the neighbors and that the Paynes added only 4'-'8" with their 1983 addition; he also said that the Planning Commission was only asking that the rear walls of the two buildings be aligned. **5.** Lisle Payne, adjoining property owner, said the project was at a different scale than it was presented to be by the appellants; he also said that it was a massive addition 15 feet in height and will have a major impact on his patio. **Public Comment for the Appellants:** **6.** Lynn Forney Stone, the god-daughter of Julia Morgan who designed the subject house, said she supported the appellants who she felt were keeping the house as Julia Morgan would have wanted it. **7.** Duncan McCloud, architect for appellants, answered Board members questions concerning the area of the kitchen to be expanded and the effect of shortening the depth of the proposed extension.

(7) **APPEAL NO. 00-001**

MARIE & BOBBIE GRAVES, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[350 Summit Street.
[Protesting issuance on December 17,
[1999, to Karolis Riauba, permit to Alter
[a Building (construction of stairs and
[deck located in the rear of building).
[APPLICATION NO. 9905938.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the permit.

SPEAKERS: **1.** Marie Graves, co-appellant, said she believes the project is an attempt to convert the house into three flats and she gave a history of the block since 1992. **2.** Karolis Riauba, permit holder, explained his need for a balcony and rear stairs because he and his friends have two dogs, and his friend is giving him welding lessons, but that he is not trying to convert the house into three units. **3.** Val Rabichev, architect for permit holder, said he felt the appeal was based on loss of views to appellants; he also said that the proposed deck had been redesigned to accommodate the appellants by moving it away from the property line which made a fire wall unnecessary and preserved the neighbor's views. **4.** Larry Badiner, Chief of Neighborhood Planning, PD, gave his analysis of the plans and said the proposed changes did not require a Section 311 notice. **Public Comment for Permit Holder:** **5.** Claudio Yerahian said he lives in the building and it wasn't being converted into three flats. **6.** Bob Vasquez said he thought the real issue was fear of parking congestion instead of the privacy issue originally expressed by the appellants; he also said that he feels the neighbors keep changing their story and that he is teaching his friend how to weld.

within the subject matter jurisdiction of the Board except agenda items. With respect

(8) **APPEAL NO. 00-012**

GREGORY B. BLEDNYH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[181 Edgehill Way.
[Protesting issuance on January 10,
[2000, Steve and Koko Fujii, permit to
[Alter a Building (interior remodel of
[kitchen, bath, bedrooms; replace deck
[on north side with solarium; extend
[building on west side of second level
[approximately four feet).
[APPLICATION NO. 9713647S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (President Chin dissented) to **OVERRULE** the Department of Building Inspection & Planning Department and **REVOKE** the permit.

SPEAKERS: **1.** Marc Seidenfeld, attorney for appellants, described the steepness of the hill with the permit holders above and his clients below; he also said that there have been major landslides in the area in the past and that proper construction techniques haven't been used by the permit holders and that a proposed carport behind the permit holder's house was dangerous for his clients. **2.** Robert Sanford, attorney for permit holders, submitted plans and photos and said that his client would follow the recommendations of his engineer's report and would meet all Codes and any new soils requirements; he also said that the parking issue would come later when plans for parking are submitted but that his client was suffering hardship and wanted to move back into his house. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, said that the issued permit was valid, but that the work done may have exceeded the scope of the permit, and that the permit holder must have adequate parking. **4.** Laurence Kornfield, Chief Building Inspector, DBI, said that work was done without permits and that he was concerned about the footings; he also described the requirements for special inspections and notice to the City before work proceeds. **Public Comment for the Appellants:** **5.** Scott Sombatpanit rents a room in the appellants house and expressed his concern about the hazard for him and appellants caused by the project; he also feels the project if allowed to go on unchecked would create a dangerous precedent in the City. **6.** Nancy Koch lives downhill of the permit holders and said that when the project was just replacement of a deck and solarium she had no objections but now that they have built four stories without a permit it seems like a Taj Mahal and is much more than 60 square feet as shown on the plans and she objects; she also said that she is a physics teacher and the permit holders seem to have built 3.5 times the mass of the original building on the same footings. **Public Comment for the Permit Holders:** **7.** Tim Colen, President of the Greater West Portal Neighborhood Association, said the permit holders have been frozen out of their home and are suffering a hardship and want very much to finish the job and move back in; he also said that the new Edgehill legislation is to protect all the homeowners. **8.** Gertrude Roth lives uphill from the permit holders and said that the old garage that had been demolished was unsafe and that it was right to remove it, and asked the Board to let the job be finished. **9.** Srinvas Mohan, geo-technical engineer for the permit holder, said that there have been no mudslides on this property and he did a standard geo-technical study and the permit holders were following his recommendations with footings 12 feet deep and not 2 feet deep as the neighbors reported. **10.** Doug Lipkin, general contractor for the permit holder, said the plans had been resubmitted to meet the Codes.

(9) **APPEAL NO. 99-190**

TELEGRAPH HILL DWELLERS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[412 Broadway.
[Determination by the Zoning Admin-
[istrator dated November 12, 1999 that
[the proposed restaurant, "BoysToys",
[does not require conditional use
[authorization from the Planning
[Commission since the Police
[Department does not deem it adult
[entertainment, and by the previous
[interpretation the size of the restaurant
[use has not been abandoned and the
[proposed restaurant is a principal
[permitted use in the Broadway
[Neighborhood Commercial District; also
[requests disapproval of Planning
[approval of Department of Public Health
[restaurant permit.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **RESCHEDULE** this case to **April 5, 2000** on **CONDITION** that no more requests to reschedule shall be granted.

SPEAKERS: 1. Walter Wong, agent for "BoysToys," asked that the matter be rescheduled because the attorney for "BoysToys" could not be present. **2.** Aaron Peskin, agent for appellant, asked that no more requests to reschedule be granted because this was the third one and he was ready to go forward now with the hearing.

(10) **APPEAL NO. V00-010**

ALI KHOSTOVAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[1133 Hayes Street.
[Denial on December 9, 1999 of Parking
[Variance (to add one unit to an existing
[five-unit building without providing the
[required parking space).
[(JURISDICTION GRANTED ON JANU-
[ARY 12, 2000).
[VARIANCE CASE NO. 99.613V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Chin, the Board voted 5-0 to to **CLOSE** the Public Hearing and **CONTINUE** this case to **CALL OF THE CHAIR**.

SPEAKERS: 1. Larry Badiner, Chief of Neighborhood Planning, PD, said the lot is not accessible by car and that the Zoning Administrator found a hardship but that Requirement No. 4 could not be met because of strong neighborhood opposition which means the project will have a significant detrimental impact on the area. **2.** Ahmad Mohazab, architect for the appellant, reported that the Alamo Square Neighborhood Association had withdrawn its earlier objection; he also described his efforts to secure parking on the neighbor's property. **Public Comment in Support of the Zoning Administrator: 3.** Brian McCarthy described the neighborhood as formerly of moderate density but now beyond its capacity with motorcycles and cars parked on the sidewalk. **4.** Deborah Henderson, daughter of an adjoining property owner, described the congestion of the neighborhood with tourists coming through all the time. She said she was not opposed to the building itself but that parking is a major problem in the area, and that her father would not agree to an easement. **5.** Frank Green said he is opposed to this variance request as an immediate neighbor because there is not enough parking on the streets of the area. He said the appellant bought the property twenty-years ago knowing it was landlocked and that "buyer bewares" applies. The illegal addition to the building block his windows and he asked that it be removed.

(11) **APPEAL NO. V00-014**

BARRY DEUTSCH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[690 De Haro Street.
[Protesting granting on January 18, 2000,
[to Chrysalis, LLC, Lot Width Variance
[(subdivide an existing 73.5' wide lot into
[three 24.5' wide lots each with 2,450sf)
[for property at
[VARIANCE CASE NO. 99.804V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **GRANT** the variance on **CONDITION** that new language be added to the variance decision as prepared by Larry Badiner, Chief of Neighborhood Plannning, PD.

SPEAKERS: **1.** Chris Cole, attorney for appellant, said he had 200 signatures on a petition opposing the variance and that he felt the variance was illegal because it violated a provision of the Building Code with lot lines cutting through an existing building on the lot. He asked that the variance be denied so the project could be set for a full hearing at the Planning Commission. **2.** Larry Badiner, Chief of Neighborhood Planning, PD, explained the variance decision and said the six-inch discrepancy in lot widths being allowed were imperceptible to the eye and that there was no affordable housing involved in the case. **3.** Laurence Kornfield, Chief Building Inspector, DBI, explained the memorandum of K.K. Chu of his department regarding subdivisions, property lines and alignments with buildings. He said there were many ways of dealing with the existing buildings, fire walls, moving the building, demolition. **4.** Kevin Dill, one of the partners in Chrysalis LLC, and an architect, said they would not have property lines remaining through the house but there was no decision yet how they would deal with the old house. He described the history of the lot and its late owner and the appellants, and asked the Board to uphold the variance. **Public Comment for Appellants:** **5.** Bonnie Baron said she was extremely distressed by the variance because the lot is unique in the area once called Goat Hill. **6.** Doris Roberson described her life in the area since 1952 and the character of the neighborhood. She opposes the four two-family houses to be built on the four lots owned by the variance holders which will change the character of the neighborhood forever. **7.** Jules Haywood, on Potrero Hill since 1955, said Mrs. Buck, the late former owner of the subject property, was his other mother. He agreed with what Ms. Roberson and Ms. Baron had said. He said it was one of the finest spots in the world. **Public Comment for Variance Holders:** **8.** Anna Giarretto, the current owner and daughter of the late Anna Buck, said the original plants on the property were only anise and grasses, and that the garden there now was planted by the appellant with her mother's permission. **9.** Lise Maisano, Ms. Giarretto's daughter, said there is nothing sacred on the lot and most plants there are not native. Denying the variance would penalize the family for allowing the appellant to garden there. She said it was private property and that everyone should be on notice that no trespassing is allowed on the property and that the best use of the property was for new housing. **10.** Barbara Presta said that Ms. Roberson had just built a house nearby. She said that there are already two lots on the block less than 25 feet in width. Daryl Nelson said that if the lot were 75 feet wide no variance would be necessary to subdivide it into three lots. She felt that the six-inch discrepancy made no difference at all and that the neighbor who had introduced butterflies and plants onto the land was the one opposing the variance. **11.** Mark Bond said he is real estate broker who represents both the buyer and the seller. **12.** Steven Carleton said he lives in the Presidio but wants to move into the City and that he is amazed that anyone would oppose new housing.

(12) **APPEAL NO. V00-017**

PETER STRAUSS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[317 Rutledge Street.
[Appeal of Condition 2 of Rear Yard
[Variance (allow construction of a two-
[story rear addition that encroaches
[approximately 4'4" into the required rear
[yard) granted for the property.
[VARIANCE CASE NO. 99.623V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** Condition 2 in the variance decision with slight language modifications.

SPEAKERS: **1.** Commissioner Cullum announced that she lives in Bernal Heights but not near the site. **2.** Peter Strauss, appellant, explained the variance condition he wanted deleted which would reduce the property's value in five or ten years when he tried to sell it. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, explained that the condition was standard language meant to counterbalance the effect of the variance when one tries to expand a building. **Public Comment in Support of the Zoning Administrator: 4.** Neil Gibbs said six owners nearby failed to be notified of the variance hearing and supported the condition. **5.** John Abbott explained the zoning controls in Bernal Heights regarding parking requirements and asked that the condition be upheld. **6.** Lisa Li agreed with the two previous speakers. **7.** F. Lee Moulton, architect for the appellant, spoke in rebuttal and said that the appellant had supplied the required address labels with their variance application and he could not account for the failure of notice to the six neighbors. He said the condition was a heavy flag on the property.

(13) **APPEAL NO. V00-019**

FREDERICK L. MILEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial of Rear Yard Variance (remodel
[and raise existing house from 23 to 27
[feet above grade; a portion of the
[building is already within the required
[rear yard) on January 25, 2000 for
[property at 1562 Masonic Avenue.
[VARIANCE CASE NO. 99.697V.
[FOR HEARING TODAY.

ACTION: After discussion , upon motion by Commissioner El Qadah, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **GRANT** the variance on **CONDITION** that the existing house be raised 2 feet instead of 4 feet, with **FINDINGS**.

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, explained that the application was denied because there was no hardship and the appellant could excavate to accomplish his expansion of floor area or could add on at the front of the building. **2.** Frederick Miley, appellant, reported that Robert Barnes, the neighbor initially opposing his project, had changed his mind and now supported his raising the building two feet, instead of the four feet originally requested. He said he now proposed to go down one foot and up two feet, to create a nice living condition. **Public Comment in Support of Appellant:**

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, MARCH 15, 2000

3. Robert Barnes, the neighbor, said he now supports the revised plan and that both he and the appellant were satisfied.

There being no further business, President Chin adjourned the meeting at 11:40 p.m.

Arnold Chin, President

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 5, 2000

5/00

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

SECOND REQUEST FOR REHEARING:

ITEM A: Letter from Raquel Fox, attorney for Frank Daijo, appellant requesting for the second time rehearing of Appeal No. 99-073, 470 – 25th Avenue, permit holder Hugo Villavicencio. Hearing July 14, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice President Chin because of a conflict of interest. Then after testimony, upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to **UPHOLD** the department and **GRANT** the permit. Request for rehearing October 13, 1999. Upon motion by President McInerney, the Board voted 5-0 to **RECUSE** Vice President Chin because of conflict of interest. Then upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to grant the request for rehearing. Four votes are needed and the motion failed. The request was **DENIED**. Notice of Decision and Order released October 18, 1999. Request for suspension of rules January 26, 2000. Upon motion by Commissioner Cullum, the Board voted 4-0 to **RECUSE** President Chin. Afterwards, upon motion by Commissioner Cullum, the Board voted 3-1 (Commissioner McInerney dissenting) to **SUSPEND THE RULES** and set aside its October 13, 1999 decision denying the request for rehearing, thus giving the appellant another 10-day period to file a request for rehearing.

REQUESTS FOR REHEARING:

ITEM B: Letter from Patricia A. McColm, appellant requesting rehearing of Appeal No. 00-006, 575 Miramar Avenue, permit holder Marc Balistreri. Hearing March 1, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **NO CONDITIONS.**

ITEM C: Letter from Judy West, appellant, requesting rehearing of Appeal No. 00-008, 321 Potrero Avenue. Hearing March 1, 2000. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin and Commissioners McInerney and El Qadah dissented) to overrule the Zoning Administrator's determination that expansion of the non-complying rear yard structure cannot be approved until a rear yard variance has been granted. and providing seismic strengthening and disabled access has no bearing on this determination. Four votes are needed and the motion failed. The determination is **UPHELD**.

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[3647 – 23rd Street.
[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where
[accessible).
[APPLICATION NO. 9804149.
[PUBLIC HEARING HELD AND
[CLOSED FEBRUARY 16, 2000.
[FOR CONSIDERATION TODAY.

(4B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[3647 – 23rd Street.
[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling).
[APPLICATION NO. 9810383.
[PUBLIC HEARING HELD AND
[CLOSED FEBRUARY 16, 2000.
[FOR CONSIDERATION TODAY.

(5) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[3647-49 - 23rd Street.
[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business is limited
[by Planning Code Sections 182, 710.40
[and 790.102(e) to serve only the
[immediate neighborhood with all
[washing and cleaning done on-site and
[with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-021**

SHARON FERTITTA, Appellant
vs.
DEPARTMENT OF PUBLIC WORKS, Respondent

[4109 – 20th Street.
[Denial on January 26, 2000, of permit to
[Remove and Replace two trees.
[ORDER NO. 172,128.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-086**

VALMOR NETO, dba "BAHIA CABANA RESTAU-
RANT", Appellant
vs.
POLICE DEPARTMENT, Respondent

[1600 Market Street.
[Decision of the Police Department
[issued May 25, 1999 to suspend the
[Dance Hall Keeper and Place of Enter-
[tainment permits for 360 days, 270 of
[these days to be held in abeyance for a
[probationary period of three years.
[FOR HEARING TODAY.

(8) **APPEAL NO. 99-187**

KWAN WONG, CHE YEE MOI, DIMITRIOUS &
ELIZABETH TRIGONIS, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1821-23 Cabrillo Street.
[Protesting issuance on November 8,
[1999, to Leung Chow, permit to Erect a
[Building (two dwelling units).
[APPLICATION NO. 9904646S.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-026**

RAY J. MARTELLI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1844 Greenwich Street.
[Protesting issuance on February 2,
[2000, to Jamil Harb, permit to Alter a
[Building (third floor addition consisting of
[new dwelling unit; new rear decks and
[stairs; reconfiguring existing dwelling
[unit at second floor).
[APPLICATION NO. 9905422S.
[FOR HEARING TODAY.

Items (10A) and (10B) shall be heard together

(10A) **APPEAL NO. 98-207**

PACT, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[635 Divisadero Street
[Determination by the Zoning Admin-
[istrator dated November 23, 1998 that
[the legal use of the property is
[two-family residential and that the NC-2
[zoning of the property allows office use
[on the first floor as a principal permitted
[use, on the second floor as a conditional
[use, and that office use is not permitted
[on the third floor at all; appellant
[requests permission to file conditional
[use application for use of the entire
[building for office use.
[FOR FURTHER HEARING TODAY.

(10B) **APPEAL NO. 00-013**

PLAN OF ACTION FOR CHALLENGING TIMES
(PACT), Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[635 Divisadero Street.
[Determination by the Zoning Admin-
[istrator dated January 2000 that the
[third floor of the building cannot be
[converted from residential to office use
[under Planning Code Section 711.38
[and that the unauthorized office use of
[the third floor must cease and the lawful
[residential use reinstated.
[FOR HEARING TODAY.

(11) **APPEAL NO. V99-151**

JOEL S. COOPERSMITH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[3250 – 17th Street.
[Denial on June 30, 1999, of Rear Yard
[and Usable Open Space Variances
[(legalize 2,100 square foot dwelling unit
[on the second floor of an existing two-
[story commercial building without
[providing the required rear yard and
[usable open space).
[JURISDICTION GRANTED SEPTEM-
[BER 15, 1999.
[VARIANCE CASE NO. 98.981V.
[FOR HEARING TODAY.

(12) **APPEAL NO. 99-190**

TELEGRAPH HILL DWELLERS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[412 Broadway.
[Determination by the Zoning Admin-
[istrator dated November 12, 1999 that
[the proposed restaurant, "BoysToys",
[does not require conditional use
[authorization from the Planning
[Commission since the Police
[Department does not deem it adult
[entertainment, and by the previous
[interpretation the size of the restaurant
[use has not been abandoned and the
[proposed restaurant is a principal
[permitted use in the Broadway
[Neighborhood Commercial District; also
[requests disapproval of Planning
[approval of Department of Public Health
[restaurant permit.
[FOR HEARING TODAY.

(13) **APPEAL NO. 00-023**

FRANCIS A. BASA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1601 Pacific Avenue.
[Protesting issuance on February 9, [2000, to J. Sullivan, permit to Alter a [Building (interior wall relocation, window [and door changes).
[APPLICATION NO. 2000/01/13/89.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherir Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possibl

Minutes of the hearing are available in alternative formats. If you require the use of a reader durir the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relat disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In ord to assist the City's efforts to accommodate such people, attendees at public meetings are remind that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mark Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessit services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people a that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franci Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, Francisco, CA 94102-4683, telephone (415) 554-6171, fax (415) 554-6177, and e-n **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that t may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 5, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

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PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Chief of Neighborhood Planning, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Patricia A. McColm requested that the Board adopt rules regarding confidentiality and prohibiting acceptance of ex parte materials by the staff. **2.** Tay Via, attorney for Lisle & Roslyn Payne, neighbors of the permit holders in Appeal 00-018, heard March 15, 2000, asked the Board to suspend its rules and allow her clients, who are not principals in Appeal 00-018, to file a Request for Rehearing in that matter to allow them to present alternative plans for the project. **3.** Jeremy Paul, agent for the Van Wagoners, the appellants in Appeal 00-018, urged the Board not to set aside its rules so that the neighbors could request a rehearing for the reason that they will be able to appeal the permit upon its issuance, and the alternative plans proposed by the Paynes were in evidence at the hearing. He noted that the Board's decision was consistent with the Planning Department staff recommendation to the Planning Commission.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: **1.** President Chin announced that Commissioner Cullum was present but not well and that he requested that those testifying be sensitive to that fact. Also, he asked that Item 13 be called early because Commissioner McInerney must be recused and without Commissioner Cullum it could not be heard. 2. Commissioner Cullum said she would attempt to stay for the entire calendar in spite of her illness. 3. Commissioner McInerney moved that the Board direct the staff to calendar Tay Via's request to set aside the Board rules to allow her clients to file a Request for Rehearing in Appeal 00-018; the vote was 1-4 for his motion and that ended the matter.

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, APRIL 5, 2000

(3) MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:

SECOND REQUEST FOR REHEARING:

ITEM A: Letter from Raquel Fox, attorney for Frank Daijo, appellant requesting for the second time rehearing of Appeal No. 99-073, 470 – 25th Avenue, permit holder Hugo Villavicencio. Hearing July 14, 1999. Upon motion by President McInerney, the Board voted 4-0 to **RECUSE** Vice President Chin because of a conflict of interest. Then after testimony, upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to overrule the department and deny the permit. 4 votes being necessary to overrule a department, the permit was **UPHELD**. Request for rehearing October 13, 1999. Upon motion by President McInerney, the Board voted 5-0 to **RECUSE** Vice President Chin because of conflict of interest. Then upon motion by Commissioner Cullum, the Board voted 3-1 (President McInerney dissented) to grant the request for rehearing. Four votes are needed and the motion failed. The request was **DENIED**. Notice of Decision and Order released October 18, 1999. Request for suspension of rules January 26, 2000. Upon motion by Commissioner Cullum, the Board voted 4-0 to **RECUSE** President Chin. Afterwards, upon motion by Commissioner Cullum, the Board voted 3-1 (Commissioner McInerney dissenting) to **SUSPEND THE RULES** and set aside its October 13, 1999 decision denying the request for rehearing, thus giving the appellant another 10-day period to file a second request for rehearing.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **RECUSE** President Chin, who left the room at 6 p.m. Upon motion by Commissioner El Qadah, the Board voted 4-0 (President Chin was recused) to **GRANT** the Request for Rehearing. The rehearing was set for **May 24, 2000.**

SPEAKERS: **1.** Raquel Fox, attorney for appellant Frank Daijo, in Appeal No. 99-073, requested for the second time that the Board grant a rehearing for the reason that she had not been served with a copy of the permit holder's response prior to the hearing of July 14, 1999, so she had no opportunity to respond to it. **2.** Hugo Villavicensio, permit holder, said he doubted that Jeremy Paul had failed to send a copy of his response to Ms. Fox, and he reviewed the history of his ownership of the property. He said he was trying to make the building safe for tenants and their visitors. **3.** Joe O'Donoghue spoke in support of the appellant and said that due process required that the Board grant a rehearing in this case.

REQUESTS FOR REHEARING:

ITEM B: Letter from Patricia A. McColm, appellant.requesting rehearing of Appeal No. 00-006, 575 Miramar Avenue, permit holder Marc Balistreri. Hearing March 1, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **NO CONDITIONS.**

ACTION: After discussion, upon motion by President Chin, the Board voted 5-0 to **CONTINUE** this matter to **April 12, 2000**.

SPEAKERS: **1.** Patricia A. McColm, appellant/requestor, asked that the Board consider the confidential medical and financial documents she had submitted, but without them being shown to the attorney of the appellant, since these were privileged documents that the opposing counsel could not be trusted with. **2.** Judith Boyajian, Deputy City Attorney, in response to a question by President Chin, said that the general rule is that anything submitted in evidence is public record and reviewable by opposing counsel. She said that medical records could be submitted directly to the Board by the appellant and immediately returned to her, as had been done in earlier cases.

ITEM C: Letter from Judy West, appellant, requesting rehearing of Appeal No. 00-008, 321 Potrero Avenue. Hearing March 1, 2000. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin and Commissioners McInerney and El Qadah dissented) to overrule the Zoning Administrator's determination that expansion of the non-complying rear yard structure cannot be approved until a rear yard variance has been granted, and providing seismic strengthening and disabled access has no bearing on this determination. Four votes are needed and the motion failed. The determination is **UPHELD**.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **GRANT** the Request for Rehearing. The rehearing was set for **May 24, 2000**.

SPEAKERS: **1.** Judy West, appellant/requestor, requested that the Board grant a rehearing since she felt that the new acting Zoning Administrator may reach a different conclusion and she does not want to go through the variance process. **2.** Larry Badiner, Chief of Neighborhood Planning, PD, representing the acting Zoning Administrator, said that minor variances of a 10% discrepancy with Code standards, can be handled without a hearing.

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 98-052**

WILFREDO MENDOZA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[3647 – 23rd Street.
[Protesting issuance on March 11, 1998,
[to Wai Ming Luk, permit to Alter a
[Building (upgrade electrical wiring,
[replace window, install skylight, remodel
[kitchen, insulate walls where
[accessible).
[APPLICATION NO. 9804149.
[PUBLIC HEARING HELD AND
[CLOSED FEBRUARY 16, 2000.
[FOR CONSIDERATION TODAY.

ACTION: This case was **WITHDRAWN** by the appellant prior to the meeting.

(4B) **APPEAL NO. 98-127**

WILFREDO MENDOZA, et al., Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[3647 – 23rd Street.
[Protesting issuance on July 1, 1998, to
[Wai Ming Luk, permit to Alter a Building
[(remove interior walls to convert two unit
[building to single family dwelling).
[APPLICATION NO. 9810383.
[PUBLIC HEARING HELD AND
[CLOSED FEBRUARY 16, 2000.
[FOR CONSIDERATION TODAY.

ACTION: This case was **WITHDRAWN** by the appellants prior to the meeting.

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, APRIL 5, 2000

(5) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[3647-49 - 23rd Street.
[Determinations of the Zoning Administrator dated June 25 and July 13, 1999 [that the laundromat business is limited [by Planning Code Sections 182, 710.40 [and 790.102(e) to serve only the [immediate neighborhood with all [washing and cleaning done on-site and [with all windows closed, with [compliance within 30 days or abatement [action to be pursued.
[FOR HEARING TODAY.

ACTION: This case was **RESCHEDULED** to **May 17, 2000** prior to the meeting.

(6) **APPEAL NO. 00-021**

SHARON FERTITTA, Appellant
vs.
DEPARTMENT OF PUBLIC WORKS, Respondent

[4109 – 20th Street.
[Denial on January 26, 2000, of permit to [Remove and Replace two trees.
[ORDER NO. 172,128.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Department of Public Works and **GRANT** the tree-removal permit on **CONDITION** that the Department of Public Works have 30 days to attempt a re-transplant of the two trees, and on **CONDITION** that 36" planter boxes be used for the new replacement trees.

SPEAKERS: **1.** Paul Sakamano, Urban Forester, Department of Public Works, said that there were no cuts or diseases on these two trees and that they had caused fairly significant damage, which he described. He said it was a burden of being a property owner to take care of old trees. 2. Sharon Fertitta, appellant, described the damage done to the property by the two trees and asked the Board to allow her to replace them with a more suitable species. **Public Comment in Support of the Department: 3.** Carolyn Blair, Chair, San Francisco Tree Council, said it was not true that tree roots damaged sewers, but that sewers with holes admitted roots. She encouraged the Board to uphold the denial and save the trees, adding that she feels the City should take care of its trees not just cut them down. **4.** Jeremy Paul, neighbor, said he was familiar with these trees and asked the Board to address the interests of the trees. **5.** Arthur Chang said that trees add value to property and he urged the Board to preserve these two trees.

(7) **APPEAL NO. 99-086**

VALMOR NETO, dba "BAHIA CABANA RESTAURANT", Appellant
vs.
POLICE DEPARTMENT, Respondent

[1600 Market Street.
[Decision of the Police Department [issued May 25, 1999 to suspend the [Dance Hall Keeper and Place of Entertainment permits for 360 days, 270 of [these days to be held in abeyance for a [probationary period of three years.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice-President Saunders, the Board voted 5-0 to **UPHOLD** the suspension of these Dance Hall Keeper and Place of Entertainment permits.

SPEAKERS: **1.** Sgt. William Coggan, Legal Division, San Francisco Police Department, reviewed the history of this appeal and reported that the department had revoked the permits in January, 2000, with no appeals filed, making this appeal of an earlier suspension now moot. **2.** Timothy Gomes, attorney for appellant, said his client was out of the country and that the revocation may have been flawed by lack of notice to the owner. He had not represented the owner at the January hearing. He felt that the current appeal was not moot. **NO PUBLIC COMMENT**.

(8) **APPEAL NO. 99-187**

KWAN WONG, CHE YEE MOI, DIMITRIOUS &
ELIZABETH TRIGONIS, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1821-23 Cabrillo Street.
[Protesting issuance on November 8,
[1999, to Leung Chow, permit to Erect a
[Building (two dwelling units).
[APPLICATION NO. 9904646S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the permit.

SPEAKERS: **1.** Paul Wong, agent for co-appellant Kwan Wong, said that blockage of sunlight to rear yards was the key issue here, and the fruit-bearing peach tree he planted 15 years go would be shadowed by the proposed new two-family home. **2.** Elizabeth Trigonis, co-appellant, said she had not received the packet from the developer and that she feels the project will be very bad for her home and her children who play in the yard. **3.** Dan Sullivan agent for permit holder, said that any miscommunication was unfortunate but hat he had followed all the regulations and sent proper notices as required. He said that the permit was validly issued and asked the Board to uphold it. **4.** Larry Badiner, Chief of Neighborhood Planning, PD, said that the proper Section 311 notices had been sent out and no discretionary review had been requested. As a key lot it is bound to affect other lots and it was unfortunate but so. **NO PUBLIC COMMENT**.

(9) **APPEAL NO. 00-026**

RAY J. MARTELLI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1844 Greenwich Street.
[Protesting issuance on February 2,
[2000, to Jamil Harb, permit to Alter a
[Building (third floor addition consisting of
[new dwelling unit; new rear decks and
[stairs; reconfiguring existing dwelling
[unit at second floor).
[APPLICATION NO. 9905422S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the alteration permit on **CONDITION** that white reflective material/paint be used in the subject property light well.

SPEAKERS: **1.** Ray J. Martelli, appellant, said that the Planning Department gave him a terrible time and that he wants a little consideration now. Eight windows will be shadowed by the addition and the permit holders will not settle with him, while the Planner is hostile to him. **2.** Mark Brand, agent for permi holder, said he had offered to meet with the appellant but was told that the appellant would oppose the proposed additional story no matter what, and then he said he would rely on his papers. **3.** Larry Badiner, Chief of Neighborhood Planning, said the Planning Commission heard the matter and voted no to take discretionary review and approved the project. He said additional housing units are desperately needed in the City and this addition will only be about five feet higher than the adjacent property. Sunlight is not protected for private property under the Planning Code and the Planning Commission found the project compatible with the area. **NO PUBLIC COMMENT**.

Items (10A) and (10B) shall be heard together

(10A) **APPEAL NO. 98-207**

PACT, INC., Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[635 Divisadero Street
[Determination by the Zoning Administrator dated November 23, 1998 that
[the legal use of the property is
[two-family residential and that the NC-2
[zoning of the property allows office use
[on the first floor as a principal permitted
[use, on the second floor as a conditional
[use, and that office use is not permitted
[on the third floor at all; appellant
[requests permission to file conditional
[use application for use of the entire
[building for office use.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Zoning Administrator's Determination with a **FINDING** that there is no 3rd floor, and a **FINDING** that no Conditional Use Authorization is needed for the 2nd floor, and a further **FINDING** that "office-use" on the 2nd floor is a formerly permitted use.

SPEAKERS: **1.** Larrry Badiner, Chief of Neighborhood Planning, PD, described the history of the Neighborhood Commercial zoning districts since their enactment during the 1970's, creating zoning controls for different levels of buildings, and a conditional use process to legalize certain uses at certain levels of buildings. He said that appellant's attorney had just informed him that the subject building was only two occupied stories over a basement with an attic and that if this were true that the department would reverse its position. **2.** Shona Armstrong, attorney for appellant, described the subject building, a old Victorian, and its history of use floor by floor. She said her client would seek conditional use authorization to legalize their use on the two stories over the basement. She gave her analysis of the relevant Planning Code provisions and explained how this situation complied with the Planning Code an should be allowed to continue. **3.** Charlene Folsom, executive director of appellant PACT, explained the program of PACT which makes student loans to minorities. **NO PUBLIC COMMENT**.

(10B) **APPEAL NO. 00-013**

PLAN OF ACTION FOR CHALLENGING TIMES
(PACT), Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[635 Divisadero Street.
[Determination by the Zoning Administrator dated January 2000 that the third floor of the building cannot be converted from residential to office use under Planning Code Section 711.38 and that the unauthorized office use of the third floor must cease and the lawful residential use reinstated.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRRULE** the Zoning Administrator's Determination with a **FINDING** that there's no 3rd floor, and a further **FINDING** that the subject property is a 2-story building over a basement with an attic.

SPEAKERS: Same as Item 10 (A).

(11) **APPEAL NO. V99-151**

JOEL S. COOPERSMITH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[3250 – 17th Street.
[Denial on June 30, 1999, of Rear Yard and Usable Open Space Variances (legalize 2,100 square foot dwelling unit on the second floor of an existing two-story commercial building without providing the required rear yard and usable open space).
[JURISDICTION GRANTED SEPTEMBER 15, 1999.
[VARIANCE CASE NO. 98.981V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the Zoning Administrator and **DENY** the variance.

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, explained why the variance application had been denied, and the Health and Safety violations reported three months ago. **THE APPELLANT DID NOT APPEAR AND THERE WAS NO PUBLIC COMMENT.**

(12) **APPEAL NO. 99-190**

TELEGRAPH HILL DWELLERS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[412 Broadway.
[Determination by the Zoning Admin-
[istrator dated November 12, 1999 that
[the proposed restaurant, "BoysToys",
[does not require conditional use
[authorization from the Planning
[Commission since the Police
[Department does not deem it adult
[entertainment, and by the previous
[interpretation the size of the restaurant
[use has not been abandoned and the
[proposed restaurant is a principal
[permitted use in the Broadway
[Neighborhood Commercial District; also
[requests disapproval of Planning
[approval of Department of Public Health
[restaurant permit.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 3-2 to **UPHOLD** the Zoning Administrator's Determination.

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, explained how the Determination was arrived at based on the Police Department finding that the use was not adult entertainment and the previous interpretation of the Planning Code that the size of the facility and not been abandoned. Only if the floor area had been modified and been reduced could it have been deemed an abandonment of the enlarged area requiring a conditional use authorization for an increase now. **2.** Aaron Peskin, president of appellant Telegraph Hill Dwellers, explained that the Planning Department was wrong in approving this project without conditional use authorization for three reasons. First, he described the overwhelming evidence that the use is "adult entertainment." Second, the incontrovertible fact that nowhere in the Planning Code does it say that size of a use cannot be abandoned, and that here was a clear case of abandonment for more than three years, therefore requiring a new CU to authorize the additional 1400 square feet added for this business, just as it was required for the project at 524 Union Street. Third, he said that the 1400sf expansion exceeded the 500sf or less allowed as not significant and that a CU was necessary to allow the public to testify. **3.** Joe O'Donoghue, agent for "BoysToys," said that the present use, deemed "other entertainment" by the Zoning Administrator, was appropriate and that the appellant was wrong in claiming it was something else other than a restaurant with other entertainment, for which the definition was very broad. Here the building was intact and the smallest in the neighborhood and he didn't understand the appeal. **Public Comment for the Appellant:** **4.** Patricia Cady, speaking for herself and her neighbors on Vallejo Street, said she wanted the right to have input in a civil discourse on this big building. **5.** Joan Wood, with Telegraph Hill Dwellers since 1962, but speaking for herself and not for the group, said she objected to the violation of the rule and that this case set a bad precedent.
6. Rose Chung said it was an issue of fairness and equity and that no one should be above the law.
7. Doug Comstock said he lives in the Haight-Ashbury but was interested in this case because the permit holder seemed to have gotten around their process. He is most concerned with the proximity of this business to a school and with children going by it every day, seeing signs which degrade women. He said the neighborhood needs to be heard. **8.** Donald duBain said he learned of the matter from the article in the Chronicle and does not understand why this is not deemed adult entertainment. He felt the owner had misrepresented the business to the Zoning Administrator. **9.** Alfred Fontes Jr. said that to be fair a CU process was needed because everyone concerned should participate in the decision. **10.** Paul Switzer said he lives in North Beach and was astounded to hear Joe O'Donoghue speaking for the owner and his comments were disingenuous. He thought neighborhood input was important in this type of

case. **11.** Merle Goldstone said this was her third time at the Board to testify on this appeal since she had reason to protest the disregard for the public interest by "BoysToys" and by the Planning Department. She was shocked with this clear violation of the Planning Code. Here the City should be fair and follow the rules and not set a bad precedent. **12.** Gerry Crowley said that Telegraph Hill Dwellers was not en elitist group. She said she lives in an alley in the flatland while President Chin lives on the hill. She said even her nine-year-old granddaughter refers to this business as a "strip club." **Public Comment for the Zoning Administrator: 13.** Dan Sullivan said he worked for Planning 26 years and use size cannot be abandoned. The remedy the opponents had was to seek a change in the Planning Code to make abandonment of size possible. **14.** Stefano Cassolato said that Broadway needs to be revitalized and businesses have to be creative. Here the food was delicious, drinks are offered and he saw mixed couples welcomed there. He thought the opponents were not being fair. This is Broadway in North Beach and not Pacific Heights and the place has much class and taste. **15.** Art Fogel said he lives in the Marina and has been interested in this business since it was announced. He said it is a first class operation and he was really amazed. It is not a typical run-down, shoddy place for cheap thrills, but rather first class dining in a unique atmosphere. It does not change the neighborhood and it is an asset for the City.

(13) APPEAL NO. 00-023

FRANCIS A. BASA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1601 Pacific Avenue.
[Protesting issuance on February 9,
[2000, to J. Sullivan, permit to Alter a
[Building (interior wall relocation, window
[and door changes).
[APPLICATION NO. 2000/01/13/89.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **RECUSE** Commissioner McInerney, who left the room at 6:30 p.m. Afterwards, after discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney was recused) to **GRANT** the alteration permit.

SPEAKERS: **1.** Francis Basa, appellant, described the height of the building as exceeding seven stories with the roof exits and asked that it be lowered to provide room for emergency exiting from roofs of adjacent buildings. He added that he had not been notified of the height of the building. **2.** Jim Reuben, attorney for permit holder, said that the building was 75% completed and has been under construction since September 1999. This appeal is of a minor alteration permit only. He said the appellant had notice of the project through the environmental review process which showed the height of the building as 51.5 feet. The subject permit is just to enclose roof top boilers and to change the siding. The neighbors all had Section 311 notice as well with plans attached and letters from the permit holders. **Public Comment for the Appellant: 3.** Claire McGhee said the building before was used for car inspections and was concerned about lack of notice for projects in commercial districts. **4.** Larry Badiner, Chief of Neighborhood Planning, said that the Polk Street Neighborhood Commercial zoning encourages retail over parking but that this project still had parking in the building as well as retail at ground level.

MINUTES OF THE MEETING OF THE BOARD OF APPEALS, APRIL 5, 2000

There being no further business, President Chin adjourned the meeting at 9:52 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (41
362-5991.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

Agenda

WEDNESDAY, APRIL 12, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest t the public that are within the subject matter jurisdiction of the Board except agenda items. With respec to agenda items, your opportunity to address the Board will be afforded when the item is reached in th meeting with one exception. When the agenda item has already been reviewed in a public hearing a which members of the public were allowed to testify and the Board has closed the public hearing, you opportunity to address the Board must be exercised during the Public Comment portion of the calendar Each member of the public may address the Board for up to three minutes. If it is demonstrated tha comments by the public will exceed 15 minutes, the President may continue Public Comment to anothe time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Patricia A. McColm, appellant requesting rehearing of Appeal No. 00-006, 57 Miramar Avenue, permit holder Marc Balistreri. Hearing March 1, 2000. Upon motion by Commissione McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **N CONDITIONS.**

ITEM B: Letter from Charles Ledogar, on behalf of Seth Charney, appellant requesting rehearing Appeal No. 99-192, 1025 Minna Street. Hearing March 15, 2000. Upon motion by Commissione McInerney, the Board voted 3-2 (Vice President Saunders and Commissioner Cullum dissented) t **GRANT** the permit. The Board then voted 5-0 to **RESCIND** the previous vote. Afterwards, upon motio by Commissioner McInerney, the Board voted 3-2 (Vice President Saunders and Commissioner Cullu dissented) to **GRANT** the permit with **FINDINGS.**

ITEM C: Letter from Christopher Cole, attorney for Barry Deutsch, appellant requesting rehearing Appeal No. V00-014, 690 De Haro Street. Hearing March 15, 2000. Upon motion by Commissioner E Qadah, the Board voted 5-0 to **GRANT** the variance on **CONDITION** that new language is added to th variance decision as prepared by Larry Badiner for the Planning Department.

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Farid Dahbour, requesting that the Board take jurisdiction over Building Perm Application No. 9906116 issued to Rosa Vega to enclose existing storage, enclose furnace and wate heater, install new washer/dryer closet, bathroom, wetbar, social room and bedroom (on first floor); an remove kitchen and dining area, renovate existing bedrooms, install new bathroom, lightwell, rear dec and stairs (second floor) at 381 Maynard Street.

Date issued	September 17, 1999
Last day to appeal	October 4, 1999
Request for jurisdiction	March 24, 2000

ITEM E: Letter from Joanne Polach, requesting that the Board take jurisdiction over Building Perm Application No. 9916252S issued to William Wong to construct a four-story three-dwelling unit building a 2747-2749 Judah Street.

Date issued	March 11, 2000
Last day to appeal	March 27, 2000
Request for jurisdiction	March 30, 2000

(4) **APPEAL NO. 99-200**

RALPH MAHER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation by the Taxicab Commission
[on December 9, 1999, of Taxicab
[Medallion No. 734.
[RESOLUTION NO. 71-99.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 98-136**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[407 Connecticut Street.
[Denial on July 15, 1998, of permit to
[Demolish a Building.
[APPLICATION NO. 9715365
[FOR FURTHER HEARING TODAY.

(5B) **APPEAL NO. 98-137**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[407 Connecticut Street.
[Denial on July 15, 1998, of permit to
[Erect a Building (two dwelling units).
[APPLICATION NO. 9715364.
[FOR FURTHER HEARING TODAY.

(6) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2234-2236 Francisco Street.
[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappaca-
[sse, permit to Alter a Building (remove
[walls to provide parking spaces an
[remove daycare facility).
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18
[1999.
[FOR FURTHER HEARING TODAY.

Items (7A) and (7B) shall be heard together

(7A) **APPEAL NO. 99-120**

DANIEL WEAVER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[236 Vernon Street.
[Protesting issuance on July 27, 1999, t
[Chung Kit Chan, permit to Erect
[Building (single-family dwelling).
[APPLICATION NO. 9906307S.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 99-148**

DANIEL WEAVER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[238 Vernon Street.
[Protesting issuance on September
[1999, to Chung Kit Chan, permit t
[Erect a Building (two-story single famil
[dwelling).
[APPLICATION NO. 9906306S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-033**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2701 – 16th Street.
[Protesting issuance on February 18, 2000, to Union Property Capital Inc., permit to Alter a Building (renovation of shell and core of an existing three-story building and addition of new fourth floor within existing building envelope; work includes seismic upgrade, new accessible entry, stairs, elevators and restrooms).
[APPLICATION NO. 9926975.
[FOR HEARING TODAY.

(9) **APPEAL NO. V00-030**

LAURENCE ARNOLD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[4316 – 23rd Street.
[Denial on February 17, 2000, of Rear Yard Variance (remove the existing deck and stairs and construct a new breakfast room with multi-level decks and stairs to an existing three-story-over-garage, single-family dwelling).
[APPLICATION NO. 9912719S.
[FOR HEARING TODAY.

(10) **APPEAL NO. 00-032**

DAVID BAKER & JANE MARTIN, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[337-339 Shotwell Street.
[Determination by the Zoning Administrator dated February 16, 2000 that denies request to designate combined office and storage Limited Commercial Use space as one commercial space; denies request that the apartment area be 375 s.f.; denies request that the stables/carriage house footprint be reduced to its original dimensions of approximately 20 x 25 feet; and denies request that the stable/carriage house be used as a workshop.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denial revocations and suspensions the representatives of the department, board, commission or perso from whose order the appeal is taken shall speak first and shall be allowed seven minutes for the presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minute for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes t present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seve minutes to present oral argument and three minutes for rebuttal. The Board may request departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to thre minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the dat of hearing. In the event that a matter is continued to a specific date by the presiding officer an announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours, c visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Boarc should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 166 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the schedule public hearing. Persons unable to attend the scheduled public hearing may submit written comment regarding a calendared item to the Board office. Comments received before noon on the day of th hearing will be made a part of the official record and will be brought to the attention of the Board a the public hearing. For complete distribution to all Commissioners of the Board, necessary staff an case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance c development permit, you may be limited to raising only those issues you or someone else raised a the public hearing described in this notice, or in written correspondence delivered to the Board c Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or ar taken out of order to accommodate special needs. The Board urges all parties to be present in th hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant publi hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catheri
Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possibl

Minutes of the hearing are available in alternative formats. If you require the use of a reader duri
the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relat
disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In or
to assist the City's efforts to accommodate such people, attendees at public meetings are remind
that other attendees may be sensitive to various chemical based products. Please help the City
accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible M
Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mar
Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessi
services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P
Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available

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Government's duty is to serve the public, reaching its decisions in full view of the pu
Commissions, boards, councils and other agencies of the City and County exist to conduct
people's business. This ordinance assures that deliberations are conducted before the people
that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franci
Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T
Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place,
Francisco, CA 94102-4683, telephone (415) 554-6171, fax (415) 554-6177, and e-
Rachel_ArnstineO'Hara@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from
Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web sit
www.ci.sf.ca.us.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individ
and entities that influence or attempt to influence local legislative or administrative action that
may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.
to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple
contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/,**
(415) 703-0121.

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Robert H. Feldman, Executive Secretary
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San Francisco, California 94103
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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, APRIL 12, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Chief of Neighborhood Planning, Planning Department; Seth Todd Huntington, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Vanji McGonegal, substitute for Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Sue Hestor urged the Board to grant a rehearing on Appeal No. 99-192 for the reason that the DBI required fire escape at the rear which interfere with the rear yard open space required by the Planning Commission. **2.** Mary Ellen Flynn said she and the neighbors were concerned about the scale of the project on Minna Street, Appeal 99-192, as well as yards and parking, and she urged the Board to grant a rehearing. **3.** Ronald Lippert and Pamela Brown reported to the Board as requested at their appeal hearing (Appeal No. 99-175 continued for further hearing to July 19, 2000) on their efforts to find jobs and a new home in one of the Northern Counties where Ms. Brown has made several applications for jobs.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: **1.** Commissioner McInerney reported that he would probably be late or absent for the meeting of April 26 since he was expected to arrive at SFO from New York late in the afternoon that day and the flight could be held up. **2.** President Chin asked those in the audience to turn off their pagers and cell phones so as not to disturb the hearings.

(3) MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:

REQUESTS FOR REHEARING:

ITEM A: Letter from Patricia A. McColm, appellant requesting rehearing of Appeal No. 00-006, 575 Miramar Avenue, permit holder Marc Balistreri. Hearing March 1, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with **NO CONDITIONS.**

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: **1.** Patricia McColm requested that the Board grant her a rehearing and that any Commissioners who saw the documents in the file which she felt was prejudicial to her should be recused from this hearing. She said that her request for conditions limiting the time the permit holder could work were modest and she asked the Board to rehear her appeal. **2.** Sal Balistreri, attorney for permit holder, reported that the day before there was a moving van outside the appellant's house and she was now living in a bare house. He said he felt she was not sincere and was trying to harass the permit holder.

ITEM B: Letter from Charles Ledogar, on behalf of Seth Charney, appellant requesting rehearing of Appeal No. 99-192, 1025 Minna Street. Hearing March 15, 2000. Upon motion by Commissioner McInerney, the Board voted 3-2 (Vice President Saunders and Commissioner Cullum dissented) to **GRANT** the permit. The Board then voted 5-0 to **RESCIND** the previous vote. Afterwards, upon motion by Commissioner McInerney, the Board voted 3-2 (Vice President Saunders and Commissioner Cullum dissented) to **GRANT** the permit with **FINDINGS**.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 3-2 (Vice President Saunders and Commissioner Cullum dissented) to **DENY** the request for rehearing.

SPEAKERS: **1.** Charles Ledogar, agent for appellant, himself a tenant at 1020 Natoma, urged the Board to grant a rehearing , saying that anything that is built on the lot will impact the neighborhood. He showed photos of the area to illustrate his argument that the proposed project would block sunlight to the neighbors as well as the sky. He said he had a petition signed by all on the block, all tenants, and that the owners too were concerned. He said a rehearing was needed so they could get reasonable setbacks for this harmonious residential enclave with wonderful greenery. **2.** Yury Trubnikov, permit holder, asked the Board not to grant a rehearing as he had paid the City $20,000 in permit fees and that a 40 foot high building was standard. He made four points and ended by saying his project met all City requirements. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, reminded the Board that the project had been approved with five or ten foot rear setbacks and that there had been no fire stairs in the rear on the plans when the Commission had reviewed it, but had been required by Building Inspection after Commission review and the plans had not been sent back to Planning. **4.** Todd Huntington, Chief Building Inspector DBI, said that Mr. Kornfield's testimony at the public hearing represented his department's position and then he explained the purpose of Fire Code required fire escapes for the buildings so that occupants could have access to the roof in an emergency, while firemen can access the building through its front fo rescues.

ITEM C: Letter from Christopher Cole, attorney for Barry Deutsch, appellant requesting rehearing o Appeal No. V00-014, 690 De Haro Street. Hearing March 15, 2000. Upon motion by Commissioner E Qadah, the Board voted 5-0 to **GRANT** the variance on **CONDITION** that new language is added to the variance decision as prepared by Larry Badiner for the Planning Department.

MINUTES OF REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 12, 2000

ACTION: After discussion, upon motion by President Chin, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: **1.** Christopher Cole, attorney for appellant/requestor, said he believes the Board's decision violates the law and asked that a rehearing be granted, since the Board has no jurisdiction to approve projects in violation of the law. He submitted copies of pages of the transcript of the hearing with Mr. Kornfield's testimony. **2.** Larry Badiner, Chief of Neighborhood Planning, PD, said that the variance granted in the case applied to the lots underneath the building and that with it approved the developer could work out the best solution for dealing with the existing building, with participation of the City and the neighbors. There has been no subdivision yet of the lot, but now that the application as well as building plans could proceed, with the concerns of the neighbors addressed.

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from Farid Dahbour, requesting that the Board take jurisdiction over Building Permit Application No. 9906116 issued to Rosa Vega to enclose existing storage, enclose furnace and water heater, install new washer/dryer closet, bathroom, wetbar, social room and bedroom (on first floor); and remove kitchen and dining area, renovate existing bedrooms, install new bathroom, lightwell, rear deck and stairs (second floor) at 381 Maynard Street.

Date issued	September 17, 1999
Last day to appeal	October 4, 1999
Request for jurisdiction	March 24, 2000

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 1-4 (President Chin, Vice President Saunders, Commissioners Cullum and McInerney dissented) to grant jurisdiction. Four votes are needed and the motion failed. The request was **DENIED**.

SPEAKERS: **1.** Dawn Hassell, attorney for requestor, said that her client never had proper notice of the issuance of the subject permit and that he doesn't live next door to the building site, though he owns the adjacent lot at 377. She said the notice had been addressed to his sister Myrna, and she asked the Board to allow her client to file a late appeal. **2.** Jose Gonzalez, agent for permit holder, urged the Board to not allow a late appeal since his client had followed all the rules and wanted to finish the project. He said the property had been posted with a 3' X 4' poster with the notice of the Planning Commission hearing, visible from the street. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, said the Assessor's Records showed Farid Dahbour as the owner of the adjacent lot, and not Myrna Dahbour, with the date of transfer as April 9, 1996. **4.** Todd Huntington, Chief Building Inspector, DBI, said that there was no returned mail notices in the file, indicating that the notices had gone through to the adjacent property owners as required for this type of permit.

ITEM E: Letter from Joanne Polach, requesting that the Board take jurisdiction over Building Permit Application No. 9916252S issued to William Wong to construct a four-story three-dwelling unit building at 2747-2749 Judah Street.

Date issued	March 11, 2000
Last day to appeal	March 27, 2000
Request for jurisdiction	March 30, 2000

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin, Commissioners El Qadah and McInerney dissented) to grant jurisdiction. Four votes are needed and the motion failed. The request was **DENIED**.

SPEAKERS: **1.** Jerry Klein, agent for requestor, said that the plans failed to show his client's lightwell and that the Residential Design Guidelines required that such lightwells be accommodated by new construction. His client will lose ventilation because her lightwell is not faced with one on the proposed building. **2.** Dan Sullivan, agent for permit holder, asked the Board to not allow a late appeal because his client had not tried to deceive here and that Mr. Klein had overstated the case. He said the process had been properly followed. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, said usually that the planner reviewing the plans would have checked the Sanborn map and checked on any relevant light wells on abutting properties.

(4) **APPEAL NO. 99-200**

RALPH MAHER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation by the Taxicab Commission
[on December 9, 1999, of Taxicab
[Medallion No. 734.
[RESOLUTION NO. 71-99.
[FOR HEARING TODAY.

ACTION: **RESCHEDULED** to **May 17, 2000** prior to hearing at request of appellant with agreement of Deputy City Attorney Tom Owen.

Items (5A) and (5B) were heard together

(5A) **APPEAL NO. 98-136**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[407 Connecticut Street.
[Denial on July 15, 1998, of permit to
[Demolish a Building.
[APPLICATION NO. 9715365
[FOR FURTHER HEARING TODAY.

(5B) **APPEAL NO. 98-137**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[407 Connecticut Street.
[Denial on July 15, 1998, of permit to
[Erect a Building (two dwelling units).
[APPLICATION NO. 9715364.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-2 (President Chin and Commissioner McInerney dissented) to **UPHOLD** the department and **DENY** both permits.

SPEAKERS: **1.** President Chin explained the hearing process he intended to follow in this matter since a full public hearing had already been held for it and this further hearing was to evaluate the revised plans requested by the Board. **2.** Andrew Zacks, attorney for appellants, explained the revisions made to the plans at the direction of the Board after the original two hour hearing. He said that Planning agrees that the plans now conform to the Residential Design Guidelines and that his clients would agree to all the minor changes still required by Planning. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, said that three issues remained, that is, the width of the garage door, the stairs at the rear, and the height of the roof in the last ten feet of building depth. **Public Comment against the Appellants:** **4.** Paul Minton adjacent property owner, said that he found several errors in plan dimension, with a four-foot discrepancy at issue. He opposed the revised plans because a fourth floor still remained and should be eliminated with the proposal still upsetting the area's open space pattern. **5.** John deCastro of the Potrero Boosters and other groups said the revised plans failed to be consistent with the Master Plan as to scale and density and that the appellants should not be rewarded after allowing the existing home to deteriorate. **6.** Philippe Fossier said that the Planning Commission and Robert Passmore had found the plans to be out of character with the neighborhood, and that this Board had agreed at its hearing in March 1999. **7.** Patty Kong said she was a resident of Potrero Hill for nine years and asked the Board to preserve the existing house on the site with two units in it if wanted by the appellants. The proposed house with four stories she felt was out of scale, but with three stories would be acceptable. **8.** Steve Hettenbach, co-owner of an adjacent property, said that the existing building should be rehabilitated. **9.** Maria Cristini gave an analysis of the subject property's value with a house on it and as a vacant lot. She said the owners could sell the existing house and still make a good return without any loss of character to the neighborhood. She opposed the four story revised plans. **10.** Peter Walbridge said he was opposed to the demolition permit. He said he tried to buy the house but now could not afford it. He asked the Board to not reward owners who had a history of neglecting this house. **11.** Ellen Kernaghan, e member of the Potrero Hill Neighborhood Association Board, said she supported all the points others had made and that she thought the issues were scale, mass and coverage. **12.** Jean Neblett, a member of the Boosters, said there were errors on the plans and the revisions do not meet the requirements of Mary Gallagher's letter of December 1999. She asked the Board to disapprove the plans. **13.** Joe Headlen said he lives across the street and asked for hands of those in the audience in opposition to the project. Several dozen people raised their hands. **14.** Michael McCone said he lives on Missouri Street and the owners' deliberate trashing of the house was terrible and asked the Commission's disapproval be upheld. **15.** Art Agnos, a resident of the Hill and former mayor, submitted a flyer concerning the project by Ford Real Estate and urged the Board to uphold the denial and keep the existing house which he felt was beautiful. **16.** Roberta Callahan, on the Hill since 1980, said allowing a demolition was the wrong way and that if the house were restored the appellants would still make much money. **17.** Luther Greulich, a contractor, said fabulous things can be done in remodeling an old house. He said that the project be kept in scale and limited to two stories over garage. **18.** Stephen Williams, formerly the attorney for the neighbors, objected to the abuse of the process by the appellants. **Public Comment for the Appellants: 19.** Chris Beckman, a resident of the Hill for 27 years, said he bought there for his retirement and then the City changed the zoning from RH-3 to RH-2. He said he favors people investing in property for their retirement so long as they follow the rules.

(6) APPEAL NO. 99-035

LUCINDA HAMPTON, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2234-2236 Francisco Street.
[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappaca-
[sse, permit to Alter a Building (remove
[walls to provide parking spaces and
[remove daycare facility).
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18,
[1999.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Chin, the Board voted 5-0 to **CONTINUE** the matter to **May 24, 2000** since the variance decision has not yet been issued.

SPEAKER: **1.** Lawrence Alioto, attorney for appellant, reported that no variance decision has been issued yet and requested that the appeal be continued. **2.** Andrew Zacks, attorney for the permit holders, opposed a continuance and asked the Board to deny the appeal. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, said the variance would be issued in 2 weeks.

Items (7A) and (7B) were be heard together

(7A) **APPEAL NO. 99-120**

DANIEL WEAVER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[236 Vernon Street.
[Protesting issuance on July 27, 1999, to
[Chung Kit Chan, permit to Erect a
[Building (single-family dwelling).
[APPLICATION NO. 9906307S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the permit with **FINDINGS**.

SPEAKERS: **1.** Daniel Weaver, appellant and Vice-President of OMI Community Action Organization, said he never received the paperwork for these two proposed houses and that the Planning staff had informed him too late of the shadow study so that he could not ask for Discretionary Review at the Planning Commission. He described the park next to the site and its native species. He asked that the permits be disapproved. **2.** Larry Badiner, Chief of Neighborhood Planning, PD, explained the shadow requirements in the Code which do not apply to under 40-foot height districts, as here. **3.** Dan Sullivan, agent for the permit holder, said the plans complied with all Codes and should be upheld. He said housing was as significant as plant life. **Public Comment for the Appellant: 4.** Peter Vaernet said that the Open Space Committee had funds for only four lots and not for these two. He then showed a photo of the lots. He said the neighborhood works hard on this green space and if he had been given notice he would have rallied to get the Committee to add these two lots to the park. **5.** Regina Blosser of the OMI Neighbors in Action said they tried to have these lots bought for park use, but the funds ran out. Showed photos of blighted vacant lots in the area for sale for development. Timing has been terrible for these two lots. She hopes a private donor will buy one and the Committee the other. **6.** Irma Marx, an educator, said the Ingleside District has gone from a devastated area to a nice neighborhood through their efforts. This park is needed to teach under-privileged children about natural history. **7.** Doug Dorn lives at Ralston and Sargent and opposes this project because it is by an out-of-area developer. Board is needed to give neighbors a chance. **8.** Robert McDonald, Park Planner/Project Manager, Recreation and Park Department, said he is working with the developer who will need an encroachment permit for his construction project. He does not object to the permits. The Open Space Committee will continue to try to buy the lots and the Planning Commission will meet with the Recreation and Park Commission in late May and may discuss this possible open space site and purchase from the developer.

(7B) **APPEAL NO. 99-148**

DANIEL WEAVER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[238 Vernon Street.
[Protesting issuance on September 1,
[1999, to Chung Kit Chan, permit to
[Erect a Building (two-story single family
[dwelling).
[APPLICATION NO. 9906306S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the permit with **FINDINGS**.

SPEAKERS: Same as Item 7(A).

(8) **APPEAL NO. 00-033**

SAN FRANCISCANS FOR REASONABLE
GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2701 – 16th Street.
[Protesting issuance on February 18,
[2000, to Union Property Capital Inc.,
[permit to Alter a Building (renovation of
[shell and core of an existing three-story
[building and addition of new fourth floor
[within existing building envelope; work
[includes seismic upgrade, new
[accessible entry, stairs, elevators and
[restrooms).
[APPLICATION NO. 9926975.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-1 (Commissioner Cullum dissented) to **GRANT** the permit with **NO CONDITIONS**, and minutes later, the Board voted 5-0 to **RESCIND** the previous vote. Afterwards, the Board voted 4-1(Commissioner Cullum dissented) to **GRANT** the permit with **NO CONDITIONS**, with **FINDINGS**.

SPEAKERS: **1.** Sue Hestor, attorney for appellant, said that there are three issues here. The first is the need for implementation of the First Source Hiring Program and the developer has agreed to it. The second is the need to impose a springing affordable housing fee to become operable once the City has enacted new legislation that requires the payment of such a fee for this kind of project, similar to the Bryant Square project at the Planning Commission. Also a springing fee for transit to support MUNI. She felt the environmental review cavalierly skirts the density of the project and that not enough parking is being required. **2.** Timothy Tosta, attorney for permit holder, said that there are meetings going on about proposed legislation to create fees for such projects but until enacted projects should be approved without conditions. He distinguished Bryant Square from the subject project, and explained why this project is categorically exempt from environmental review. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, admitted that the permit should have been stamped with a First Source Hiring Program condition but said the developer had agreed to do it and it was required by the law. He said the fee legislation was at the very beginning of the process with studies and hearings to be coming along to cover the multi-media industry. **Public Comment for the Appellant: 4.** John deCastro of the Potrero Hill Boosters said this site is at the edge of the transit zone. The buses serving the area are already crowded and a springing transit fee condition was appropriate because of the need for more transit service on Potrero Hill. **Public Comment for the Permit Holder: 5.** Rev. Arnold Townsend said he is working with the tenant for this building who is seeking employees from ethnic communities of the City and he urged the Board to uphold the permit.

(9) **APPEAL NO. V00-030**

LAURENCE ARNOLD, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[4316 – 23rd Street.
[Denial on February 17, 2000, of Rear
[Yard Variance (remove the existing
[deck and stairs and construct a new
[breakfast room with multi-level decks
[and stairs to an existing three-story-
[over-garage, single-family dwelling).
[APPLICATION NO. 9912719S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to **OVERRULE** the Zoning Administrator and **GRANT** the variance with **FINDINGS.**

MINUTES OF REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 12, 2000

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, explained that the variance was denied because it was felt there was room within the house to provide the new space without needing a variance and there was no hardship here to justify the variance. **2.** Mark Brand, agent for appellant, said that this is a small variance that Mr. Passmore would probably have approved in his day and that the neighbors did not object and the result was an improvement in the look of the house as well as amenities for the owner, with the extraordinary front setback being the special circumstance justifying the variance. He used an illustration to show the visual improvement proposed. **No Public Comment.**

(10) **APPEAL NO. 00-032**

DAVID BAKER & JANE MARTIN, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[337-339 Shotwell Street.
[Determination by the Zoning Admin-
[istrator dated February 16, 2000 that
[denies request to designate combined
[office and storage Limited Commercial
[Use space as one commercial space;
[denies request that the apartment area
[be 375 s.f.; denies request that the
[stables/carriage house footprint be
[reduced to its original dimensions of
[approximately 20 x 25 feet; and denies
[request that the stable/carriage house be
[used as a workshop.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Chin, the Board voted 5-0 to **CONTINUE** the matter to **May 24, 2000** to allow for a site visit.

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, explained the determination and its history and how the LCU had to stay as is or the property must conform to the zoning. **2.** Jane Martin, co-Appellant, explained how they wanted to use the building and recreate the building at the rear of the property as a workshop as part of their architectural practice and their residence above the architecture office in the front building with no separation into office and storage as Planning wants, and with a proper rear yard for the first time between the two buildings. **3.** David Baker, co-appellant, said they were asking for a larger rear yard than the Code requires. **4.** Todd Huntington, Chief Building Inspector, DBI, said that there could be other issues once plans get to DBI for review involving a passageway to the rear building if it's a workshop, and a need for new firewalls to separate living areas from other areas. **No Public Comment.**

There being no further business, President Chin adjourned the meeting at 10:25 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

6/00

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 26, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUESTS FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:**

ITEM A: 123 Molimo Drive. Letter from Hans Kielkopf, requesting that the Board take jurisdiction over Building Permit Application No. 9826426 issued to David and Constance Baker-Cohn for construction of a rear horizontal one-story addition consisting of a roof deck, bedroom, bathroom and study.

Date issued	October 26, 1999
Last day to appeal	November 10, 1999
Request for jurisdiction	April 12, 2000

ITEM B: 381 Douglass Street. Letter from Brad Anthony DeYoung, requesting that the Board take jurisdiction over Building Permit Application No. 9804634 issued to Tom Simrock to build an additional two stories above an existing basement floor.

Date issued	October 18, 1999
Last day to appeal	November 2, 1999
Request for jurisdiction	April 12, 2000

(4) **APPEAL NO. 00-036**

MATTHEW WONG, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on March 2, 2000, of
[Taxicab Medallion No. 942.
[RESOLUTION NO. 200-17.
[FOR HEARING TODAY.

(5) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[1970 Jackson Street.
[Determination by the Zoning Admin-
[istrator dated September 24, 1999 that
[the proposed screened off-street
[parking space in front of the subject
[property is not permitted under Planning
[Code Section 132(b) which requires a
[13-foot front setback, unless a variance
[is sought and granted.
[APPLICATION NO. 9918712.
[FOR FURTHER HEARING TODAY.

DOCUMENTS DEPT.
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(6) **APPEAL NO. 00-035**

PAMELA CALLOWAY, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[127 Moffitt Street.
[Denial on March 10, 2000, of permit to
[Alter a Building (two-story rear addition
[to existing two-story house; new rear
[deck; remodel existing bath; expand
[existing bedroom at ground floor).
[APPLICATION NO. 9907912S.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-166**

HAL LEININGER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1920 Golden Gate Avenue.
[Protesting issuance on October 8, 1999,
[to Thomas and Susan Bernard, permit
[to Alter a Building (to complete work
[started under PA #8404649 and
[extended under PA #8805005; remove
[two walls, one parapet wall, and
[firewall).
[APPLICATION NO. 9921351.
[FOR HEARING TODAY.

Items (8A) and (8B) shall be heard together

(8A) **APPEAL NO. 00-025**

DARLENE CRISP, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[1508 Church Street.
[Protesting issuance on February 15,
[2000, to Metropolitan Community
[Church, permit to Alter a Building (install
[kitchen cabinets and sink; grab bars in
[restrooms and new lavatory; new 36"
[door and frame; demolition of fiberglass
[skylight).
[APPLICATION NO. 2000/02/10/1492.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 00-027**

DARLENE CRISP, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1508 Church Street.
[Protesting issuance on February 22,
[2000, to Metropolitan Community
[Church, permit to Alter a Building (add
[temporary handicapped ramp in front of
[building).
[APPLICATION NO. 2000/02/15/2004.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-034**

LAWRENCE & BODIL FOX, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[186 Maynard Street.
[Protesting issuance on February 24,
[2000, to Efren Valasco, permit to Alter a
[Building (35-foot horizontal addition).
[APPLICATION NO. 9912628S.
[FOR HEARING TODAY.

(10) **APPEAL NO. 00-038**

CHARLES & LINDA LEWIS, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[738 Elizabeth Street.
[Protesting issuance on March 1, 2000,
[to Jeffrey Goffo, permit to Alter a
[Building (change skylight locations;
[reinforce existing floor joists with double
[joist hangers and machine bolts in floor
[of master bedroom).
[APPLICATION NO. 2000/03/01/3127.
[FOR HEARING TODAY.

(11) **APPEAL NO. V00-037**

WADE VAN VALIN, PAUL & KELLY GVILDYS,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[639 Shotwell Street.
[Denial on March 6, 2000, of Rear Yard
[Variance (legalize construction of a one-
[story addition and allow the construction
[of a rear stair that encroaches
[approximately six feet in the required
[rear yard).
[VARIANCE CASE NO. 98.805V.
[FOR HEARING TODAY.

(12) **APPEAL NO. 00-039**

BARBARA LaTOUR, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[3 Montague Place.
[Zoning Administrator determination
[dated March 2, 2000 addressed to
[Paulette Taggart that the proposed
[project (BPA No. 9912721S) does not
[need a variance as it complies with the
[Planning Code and does not violate the
[conditions stated in the Notice of
[Special Restrictions No. G541538.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possibl

Minutes of the hearing are available in alternative formats. If you require the use of a reader durir the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relat disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In ord to assist the City's efforts to accommodate such people, attendees at public meetings are remind that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mark Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessib services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub Commissions, boards, councils and other agencies of the City and County exist to conduct t people's business. This ordinance assures that deliberations are conducted before the people a that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francis Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Ta Force: Rachel Arnstine O'Hara, Clerk, City Hall, Room 362, 1 Dr. Carlton B. Goodlett Place, S Francisco, CA 94102-4683, telephone (415) 554-6171, fax (415) 554-6177, and e-m **Rachel_ArnstineO'Hara@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from t Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, plea contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, APRIL 26, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

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PRESENT: President Arnold Chin, Vice-President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah and Commissioner John McInerney, who arrived late at 6:29 p.m.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Chief of Neighborhood Planning, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Vanji McGonegal, substitute for Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Mark Grueber, United Taxicab Workers, urged the Board to uphold suspensions and revocations of taxicab medallions by the Taxicab Commission and not to grant continuances of hearing dates to appellants who earn $1800 or more a month from medallions. **2.** Jeremy Paul urged the Board to disregard the letter requesting the Board to amend its finding in Appeal No. 00-018 sent by the attorney for the neighbors for the reason that the ulterior motive is to support future litigation. He felt the Board's decision was a good compromise meant to satisfy both sides and its findings should stay as issued. **3.** Dana Kueffner asked about Item 12 which had been withdrawn prior to the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: **1.** President Chin apologized for being late due to a court appearance.

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: 123 Molimo Drive. Letter from Hans Kielkopf, requesting that the Board take jurisdiction over Building Permit Application No. 9826426 issued to David and Constance Baker-Cohn for construction a rear horizontal one-story addition consisting of a roof deck, bedroom, bathroom and study.

Date issued	October 26, 1999
Last day to appeal	November 10, 1999
Request for jurisdiction	April 12, 2000

ACTION: After discussion, upon motion by President Chin, the Board voted 4-0 (Commissioner McInerney was absent) to **DENY** the request for jurisdiction and declare the matter moot because the subject permit had expired.

SPEAKERS: **1.** Laurence Kornfield, Chief Building Inspector, DBI, reported on his meeting with the requestor and the permit holder and summarized their positions and the history of the subject permit which appears to have expired. He also described the City's process in cases of violations of Codes and abatement actions. **2.** Hans Kielkopf, jurisdiction requestor, said he would withdraw his request if the permit had expired. **3.** David Baker-Cohn, permit holder, said he and his architect were going to file a new application, moving the house four feet away from the common property line, with the intention of reaching an agreement with the requestor and that he had spent thousands on revised plans with that in mind.

ITEM B: 381 Douglass Street. Letter from Brad Anthony DeYoung, requesting that the Board take jurisdiction over Building Permit Application No. 9804634 issued to Tom Simrock to build an additional two stories above an existing basement floor.

Date issued	October 18, 1999
Last day to appeal	November 2, 1999
Request for jurisdiction	April 12, 2000

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney was absent) to **DENY** the request for jurisdiction.

SPEAKERS: **1.** Christopher Moscone, attorney for certain neighbors of the subject property, described the rooftop penthouse which his clients find objectionable and which he alleged did not appear on the plans reviewed earlier by the Board. He said 37 people had not received proper Section 311 notice of the revised plans. **2.** Tom Simrock, permit holder, reported on the progress of construction, saying that siding is now being installed on the house which is far into the construction process, and that the October revised plans did show the stairwell penthouse now being objected to. **3.** Larry Badiner, Chief of Neighborhood Planning, PD, reported that the Section 311 notice drawings showed the stairwell penthouse, showing the plans to the Board. He said no second 311 notice had been sent out because the revisions weren't considered significant.

(4) **APPEAL NO. 00-036**

MATTHEW WONG, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on March 2, 2000, of
[Taxicab Medallion No. 942.
[RESOLUTION NO. 200-17.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney was absent) to **RESCHEDULE** this case to **May 17, 2000**.

SPEAKERS: None.

(5) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[1970 Jackson Street.
[Determination by the Zoning Administrator dated September 24, 1999 that the proposed screened off-street parking space in front of the subject property is not permitted under Planning Code Section 132(b) which requires a 13-foot front setback, unless a variance is sought and granted.
[APPLICATION NO. 9918712.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0 (Commissioner McInerney was absent) to **CONTINUE** this case to **May 3, 2000**.

SPEAKER: **1.** The Executive Secretary explained that the variance decision had not been issued yet.

(6) **APPEAL NO. 00-035**

PAMELA CALLOWAY, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[127 Moffitt Street.
[Denial on March 10, 2000, of permit to Alter a Building (two-story rear addition to existing two-story house; new rear deck; remodel existing bath; expand existing bedroom at ground floor).
[APPLICATION NO. 9907912S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Planning Department and **GRANT** the permit for the original 12' addition, with **FINDINGS.**

SPEAKERS: **1.** Larry Badiner, Chief of Neighborhood Planning, PD, described the discretionary review process in this case and the critical issue of the projection into the rear of twelve feet rejected by the Planning Commission which wanted the addition to match the adjacent property so as to not be an intrusion into the rear open space and out of character. They have approved the requested ground floor addition. **2.** James Valenti, agent for appellant, described the heavily forested slope behind the house and the many revisions made to the plans for the proposed expansion to a very small house. **Public Comment in Support of the Department:** **3.** Nameeta Tolia-Henbest of 125 Moffitt explained her objections to the scale of the top part of the proposed addition which she alleged will box in her property. She said the small changes required by the Commission were not important but the upper floor addition was her main concern. **4.** Greg Helser said the proposed addition would increase the house by 53%, making it not in keeping with the neighboring small houses. He had added on to his house in 1995 very modestly and thought the permit holder should do the same, so as to maintain the open space and comply with the Residential Design Guidelines. **5.** Carrie Helser explained that the property at 121 Moffitt had been extended in 1970 long before the adoption of the Residential Design Guidelines and could not be approved today. She said the neighbors did not have the means to expand their houses as the permit holder proposed to do. **Public Comment for the Appellant:**
6. Emanuel Meilak asked rhetorically what air are we blocking?

(7) **APPEAL NO. 99-166**

HAL LEININGER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1920 Golden Gate Avenue.
[Protesting issuance on October 8, 1999, [to Thomas and Susan Bernard, permit [to Alter a Building (to complete work [started under PA #8404649 and [extended under PA #8805005; remove [two walls, one parapet wall, and [firewall).
[APPLICATION NO. 9921351.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **REVOKE** the permit, with **FINDINGS** stated on the record.

SPEAKERS: **1.** Hal Leininger, appellant, explained his objections to the portion of the remodeling which exceeds the height limit and has been going on since 1984. **2.** Thomas Bernard, permit holder, said he grossly misunderstood what he had applied for and that he wanted to abandon this permit and with an architect apply for a new one that would satisfy the City Codes and bring his house into compliance. **3.** Laurence Kornfield, Chief Building Inspector, DBI, agreed with the permit holder's position since the current permit does not satisfy the Notice of Violations issued for the project in October 1999. **4.** Larry Badiner, Chief of Neighborhood Planning, PD, said that the addition appeared to exceed the height limit and he described the gently up-sloping property and the method of height measurement under these circumstances.

Items (8A) and (8B) shall be heard together

(8A) **APPEAL NO. 00-025**

DARLENE CRISP, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[1508 Church Street.
[Protesting issuance on February 15, [2000, to Metropolitan Community [Church, permit to Alter a Building (install [kitchen cabinets and sink; grab bars in [restrooms and new lavatory; new 36" [door and frame; demolition of fiberglass [skylight).
[APPLICATION NO. 2000/02/10/1492.
[FOR HEARING TODAY.

ACTION: This appeal was **WITHDRAWN** by the appellant prior to hearing.

(8B) **APPEAL NO. 00-027**

DARLENE CRISP, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1508 Church Street.
[Protesting issuance on February 22, [2000, to Metropolitan Community [Church, permit to Alter a Building (add [temporary handicapped ramp in front of [building).
[APPLICATION NO. 2000/02/15/2004.
[FOR HEARING TODAY.

ACTION: This appeal was **WITHDRAWN** by the appellant prior to hearing.

(9) **APPEAL NO. 00-034**

LAWRENCE & BODIL FOX, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[186 Maynard Street.
[Protesting issuance on February 24,
[2000, to Efren Valasco, permit to Alter a
[Building (35-foot horizontal addition).
[APPLICATION NO. 9912628S.
[FOR HEARING TODAY.

ACTION: This appeal was **WITHDRAWN** by the appellants prior to hearing.

(10) **APPEAL NO. 00-038**

CHARLES & LINDA LEWIS, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[738 Elizabeth Street.
[Protesting issuance on March 1, 2000,
[to Jeffrey Goffo, permit to Alter a
[Building (change skylight locations;
[reinforce existing floor joists with double
[joist hangers and machine bolts in floor
[of master bedroom).
[APPLICATION NO. 2000/03/01/3127.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **UPHOLD** the Department of Building Inspection and **GRANT** the permit.

SPEAKERS: **1.** Linda Lewis, co-appellant, explained her objection to the skylights which cause glare many hours each day for her. She asked how could the skylight permit be approved for installation on a kitchen that was built without a permit. She said the permit holders had fooled the Planning staff and the plans show smaller windows than what has been installed and is different, reversed, placement. **2.** Laurence Kornfield, Chief Building Inspector, DBI, explained the 3/12 pitch of these particular skylights and that they could not be operable if laid flat. The Building Code does not have stringent regulations for skylights which are considered minor under the Code. **3.** Lisa Nicol, wife of the permit holder, explained the project and the efforts made to ameliorate the glare from the skylights, although she thought the objection to the permit had to do with an earlier permit battle over the appellants' permit for a deck which had been denied by the City. **No Public Comment.**

(11) **APPEAL NO. V00-037**

WADE VAN VALIN, PAUL & KELLY GVILDYS,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[639 Shotwell Street.
[Denial on March 6, 2000, of Rear Yard
[Variance (legalize construction of a one-
[story addition and allow the construction
[of a rear stair that encroaches
[approximately six feet in the required
[rear yard).
[VARIANCE CASE NO. 98.805V.
[FOR HEARING TODAY.

ACTION: This appeal was **RESCHEDULED** to **May 24, 2000** prior to hearing.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, APRIL 26, 2000

(12) **APPEAL NO. 00-039**

BARBARA LaTOUR, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[3 Montague Place.
[Zoning Administrator determination
[dated March 2, 2000 addressed to
[Paulette Taggart that the proposed
[project (BPA No. 9912721S) does not
[need a variance as it complies with the
[Planning Code and does not violate the
[conditions stated in the Notice of
[Special Restrictions No. G541538.
[FOR HEARING TODAY.

ACTION: This appeal was **WITHDRAWN** by the appellant prior to hearing.

There being no further business, President Chin adjourned the meeting at 7:50 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, MAY 3, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest t the public that are within the subject matter jurisdiction of the Board except agenda items. With respec to agenda items, your opportunity to address the Board will be afforded when the item is reached in th meeting with one exception. When the agenda item has already been reviewed in a public hearing a which members of the public were allowed to testify and the Board has closed the public hearing, you opportunity to address the Board must be exercised during the Public Comment portion of the calenda Each member of the public may address the Board for up to three minutes. If it is demonstrated tha comments by the public will exceed 15 minutes, the President may continue Public Comment to anothe time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **CLARIFICATION OF CONDITIONS AND REPORT BY DBI ON PROGRESS OF PROJECT:** 38 We Clay Street. Appeal No. 98-212 heard on July 14, 1999. Rainer and Beatrice Baldauf, appellants, an DeLeys Brandman, permit holder (Application No. 9824371). Board upheld permit on condition th permit holder revise plans to vent the kitchen range on the roof and close up the side wall vent, wit appellants to pay 55% of the necessary and reasonable costs up to $5,500.

(4) **STATUS REPORT ON CHAT CAFÉ:** 598 Sanchez Street. Appeals 98-035 and 99-197 scheduled f further hearing on July 12, 2000.

(5) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: 700 Great Highway, #2. Letter from Hoc Nguyen, appellant, requesting rehearing of Appeal N 99-051 heard on March 1, 2000. Upon motion by Vice President Saunders, the Board voted 5-0 t **UPHOLD** the Zoning Administrator's request for suspension of building permit for noncompliance wit guidelines approved by the Planning Commission for installation of 22 windows on the north and west the building.

ITEM B: 1844 Greenwich Street. Letter from Ray J. Martinelli, appellant, requesting rehearing of Appe No. 00-026 (heard on April 5, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 t **UPHOLD** the department and **GRANT** the permit on **CONDITION** that white reflective material/paint b used in the subject property light well.

ITEM C: 236-238 Vernon Street. Letter from Larry Badiner, Chief of Neighborhood Planning for th Planning Department, requesting rehearing of Appeal Nos. 99-120 and 99-148 heard on April 12, 200 Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRAN** the permits with findings.

REQUEST FOR JURISDICTION:

ITEM D: 924 Church Street. Letter from Gilbert Smolin and Stephen Johnson requesting that the Boar take jurisdiction over Building Permit Application No. 2000/02/25/2866 issued to Ora Hatheway to insta clearstory windows at wall on north elevation lot line.

Date issued	March 24, 2000
Last day to appeal	April 10, 2000
Request for jurisdiction	April 20, 2000

(6) **CONSENT ITEM:** With the consent of the Department of Building Inspection, the Board will proceed to vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provide for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(A) **APPEAL NO. 00-044**

SUE WONG, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1851 – 31st Avenue.
[Appeal for Refund of Penalty imposed
[on March 31, 2000.
[APPLICATION NO. 2000/02/24/2681.
[FOR HEARING TODAY.

(B) **APPEAL NO. 00-055**

STEVEN D. LEWIS, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[4138-4140 20th Street.
[Appeal for Refund of Penalty imposed
[on April 14, 2000.
[APPLICATION NO. 2000/03/28/5679.
[FOR HEARING TODAY.

(C) **APPEAL NO. 00-063**

ROGER HSU, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1674 – 22nd Avenue.
[Imposition of Penalty on April 21, 2000.
[APPLICATION NO. 2000/02/25/2841.
[FOR HEARING TODAY.

(7) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[1970 Jackson Street.
[Determination by the Zoning Admin-
[istrator dated September 24, 1999 that
[the proposed screened off-street
[parking space in front of the subject
[property is not permitted under Planning
[Code Section 132(b) which requires a
[13-foot front setback, unless a variance
[is sought and granted.
[APPLICATION NO. 9918712.
[FOR FURTHER HEARING TODAY.

(8) **APPEAL NO. 00-050**

WHOLE FOODS, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1765 California Street.
[Denial on March 30, 2000, of permit to
[Erect a Sign (relocate direct illuminated
[double-faced electric wall sign).
[APPLICATION NO. 2000/02/18/2315.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-029**

ELIZABETH COLLET, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[3015 Washington Street.
[Denial on February 11, 2000, of permit
[to Alter a Building (construct new wood
[frame deck at rear yard approx. 8'-6"
[above grade; add new French doors to
[deck from house; deck lighting and
[fountain).
[APPLICATION NO. 9912719S.
[FOR HEARING TODAY.

(10) **APPEAL NO. 00-040**

JACQUELINE STAVI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[304 Eureka Street.
[Protesting issuance on March 10, 2000,
[to Andrew and Kathleen Lomas, permit
[to Alter a Building (remove existing non-
[complying stair and replace with
[complying stair; smoke detectors).
[APPLICATION NO. 2000/03/10/4097.
[FOR HEARING TODAY.

Items (11A) and (11B) shall be heard together

(11A) **APPEAL NO. 00-042**

JAMES McLEMORE & MALLUN BREEDLOVE-McLEMORE, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[738 Capitol Avenue.
[Protesting issuance on March 13, 2000,
[to Jose Murillo, permit to Erect a
[Building (three-story single-family
[dwelling).
[APPLICATION NO. 9802877.
[FOR HEARING TODAY.

(11B) **APPEAL NO. 00-043**

TAKEMI TOTES, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[738 Capitol Avenue.
[Protesting issuance on March 13, 2000,
[to Jose Murillo, permit to Erect a
[Building (three-story single-family
[dwelling).
[APPLICATION NO. 9802877.
[FOR HEARING TODAY.

(12) **APPEAL NO. V00-041**

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
[to Ma Estates, Rear Yard Variance to
[construct a four-car, semi-underground
[garage and one-story building addition
[in the required yard of a single family
[dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
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ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

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Other persons desiring to speak before the Board on an appeal may speak once for up to thr minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the d of hearing. In the event that a matter is continued to a specific date by the presiding officer announced to the parties in the hearing room, no additional mailed notice will be sent. Please the Board office at 575-6880 for scheduling or other information during regular business hours, visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Bo should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the schedu public hearing. Persons unable to attend the scheduled public hearing may submit written comme regarding a calendared item to the Board office. Comments received before noon on the day of hearing will be made a part of the official record and will be brought to the attention of the Boar the public hearing. For complete distribution to all Commissioners of the Board, necessary staff case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a varianc development permit, you may be limited to raising only those issues you or someone else raise the public hearing described in this notice, or in written correspondence delivered to the Boar Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or taken out of order to accommodate special needs. The Board urges all parties to be present in hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant pu hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may b filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catheri Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possib

Minutes of the hearing are available in alternative formats. If you require the use of a reader dur the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or rela disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In or to assist the City's efforts to accommodate such people, attendees at public meetings are remind that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mar Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessi services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franci Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-m **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 3, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice-President Sabrina Saunders, Commissioner Carole Cullum, and Commissioner Allam El Qadah.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Zoning Administrator, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Commissioner John McInerney.

Vanji McGonegal, substitute for Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: 1. Patricia McColm requested that the Board set aside its rules and allow her to file a second request for rehearing for Appeal No. 00-006 decided March 1, 2000, rehearing request denied April 12, 2000. She also asked the Board to order the Executive Secretary to prepare the administrative record for her which he wrote her he would not do without her submitting evidence the court has permitted her to file an action in this matter.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: 1. President Chin and the Board congratulated Mr. Badiner on his appointment as Zoning Administrator. [NO MOTIONS WERE MADE REGARDING THE ABOVE]

(3) **CLARIFICATION OF CONDITIONS AND REPORT BY DBI ON PROGRESS OF PROJECT:** 38 West Clay Street. Appeal No. 98-212 heard on July 14, 1999. Rainer and Beatrice Baldauf, appellants, and DeLeys Brandman, permit holder (Application No. 9824371). Board upheld permit on condition the permit holder revise plans to vent the kitchen range on the roof and close up the side wall vent, with appellants to pay 55% of the necessary and reasonable costs up to $5,500.

SPEAKERS: 1. Laurence Kornfield, Chief Building Inspector, DBI, reported on the progress of the permit application for moving the side kitchen vent to the roof of 38 West Clay Street, Appeal No. 98-212. The permit has been approved and is ready for issuance. **2.** Alice Suet Yee Barkley, attorney for appellants in Appeal 98-212, reported that the roof vent has been installed already and that her clients were prepared to pay their share of the costs as soon as invoices are sent to them. **3.** President Chin requested that the Chief Building Inspector visit the site and report at a future meeting to the Board on compliance of the vent system with the Board's order and with the Building Code.

(4) **STATUS REPORT ON CHAT CAFÉ:** 598 Sanchez Street. Appeals 98-035 and 99-197 scheduled for further hearing on July 12, 2000.

SPEAKERS: **1.** Michael Crawford and Tom Hanus, proprietors of Chat Café at 598 Sanchez Street, Appeal Nos. 98-035 and 990197 to be heard for further hearing July 12, 2000, reported on their situation as requested by the Board. They reported their business is being supported by their neighborhood and that Supervisor Leno was considering legislation that could be supportive. **2.** President Chin requested that the two appeals be continued to October 11, 2000, and he asked that a letter be prepared for his signature requesting that the relevant departments continue their cooperation with these appeals until the Board acts or legislation is enacted that cures the problems.

(5) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: 700 Great Highway, #2. Letter from Hoc Nguyen, appellant, requesting rehearing of Appeal No. 99-051 heard on March 1, 2000. Upon motion by Vice President Saunders, the Board voted 5-0 to **UPHOLD** the Zoning Administrator's request for suspension of building permit for noncompliance with guidelines approved by the Planning Commission for installation of 22 windows on the north and west of the building.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 (Commissioner McInerney was absent) to **DENY** the Request for Rehearing.

SPEAKERS: **1.** Hoc Nguyen, appellant/requestor, requested that the Board grant him a rehearing to allow him to reargue his case since he feels the facts were hazy to the Board after the long period between the first hearing and the final decision. He said he feels he has a solution that will be acceptable to all parties, involving shades to minimize the tint. **2.** Larry Badiner, Zoning Administrator, urged the Board not to grant the request as the time has come for the appellant to comply with the Notice of Special Restrictions and the conditions adopted by the Planning Commission for the project. He said there was no new evidence being presented that would justify another hearing.

ITEM B: 1844 Greenwich Street. Letter from Ray J. Martelli, appellant, requesting rehearing of Appeal No. 00-026 heard on April 5, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit on **CONDITION** that white reflective material/paint be used in the subject property light well.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney was absent) to **DENY** the Request for Rehearing.

SPEAKERS: **1.** Ray Martelli, appellant, requested a rehearing so that a revision of the proposed plans can be agreed to, and that he would agree to pay a portion of the cost so a light well could be created. He suggested a process for arriving at a fair price for such work involving several contractors' bids.
2. Jamil Harb, permit holder, urged the Board not to grant a rehearing in the matter since he has been held up two years in seeking this permit and there is no new evidence to justify a second hearing.

ITEM C: 236-238 Vernon Street. Letter from Larry Badiner, Chief of Neighborhood Planning for the Planning Department, requesting rehearing of Appeal Nos. 99-120 and 99-148 heard on April 12, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permits with findings.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 3-1 (Commissioner McInerney was absent, and Commissioner Cullum dissented) to **DENY** both Requests for Rehearing.

SPEAKERS: **1.** Larry Badiner, Zoning Administrator, requested a rehearing for these two appeals because of his belief that interested groups had not had notice of the Planning Commission hearing, although the record showed that property owners had proper notice. In the future he said he would have mailings corroborated with affidavits by the staff for the record. **2.** Dan Sullivan agent for permit holder, urged the Board not to grant a rehearing for three reasons. First, any notice to groups was done by the City, and the permit holder, having acted in good faith, should not have to suffer for such error. Second, there was constructive notice to all groups from several departments over the course of months of review. Third, the issue here is whether the lots should be made part of the adjacent park and the Planning Commission will address the question on May 4th. If the General Plan is amended to include these lots as park land then the City can purchase them for such use from his client.

REQUEST FOR JURISDICTION:

ITEM D: 924 Church Street. Letter from Gilbert Smolin and Stephen Johnson requesting that the Board take jurisdiction over Building Permit Application No. 2000/02/25/2866 issued to Ora Hatheway to install clearstory windows at wall on north elevation lot line.

Date issued	March 24, 2000
Last day to appeal	April 10, 2000
Request for jurisdiction	April 20, 2000

ACTION: This matter was **WITHDRAWN** by the requestors.

(6) **CONSENT ITEM:** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(6A) **APPEAL NO. 00-044**

SUE WONG, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1851 – 31st Avenue.
[Appeal for Refund of Penalty imposed
[on March 31, 2000.
[APPLICATION NO. 2000/02/24/2681.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Chin, the Board voted 4-0 to **REDUCE** the penalty to two (2) times the regular fee.

SPEAKERS: **1.** Sue Wong, appellant, reported that the work had been done so that her disabled elderly parents could prepare their food at their ground level space since they can't come up the stairs anymore to use the kitchen. **2.** Laurence Kornfield, Chief Building Inspector, DBI, reported on his review of the case with the District Inspector.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 3, 2000

(6B) **APPEAL NO. 00-055**

STEVEN D. LEWIS, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[4138-4140 20th Street.
[Appeal for Refund of Penalty imposed
[on April 14, 2000.
[APPLICATION NO. 2000/03/28/5679.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 (Commissioner McInerney was absent) to **REDUCE** the penalty to two (2) times the regular fee.

SPEAKERS: **1.** Steven Lewis, appellant/owner, described the work done by his out-of-town contractor who failed to obtain a permit. **2.** Laurence Kornfield, Chief Building Inspector, DBI, said there were no major safety issues here and that he felt the appellant could gain redress in small claims court against the contractor.

(6C) **APPEAL NO. 00-063**

ROGER HSU, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1674 – 22nd Avenue.
[Imposition of Penalty on April 21, 2000.
[APPLICATION NO. 2000/02/25/2841.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice-President Saunders, the Board voted 4-0 (Commissioner McInerney was absent) to **REDUCE** the penalty to two (2) times the regular fee.

SPEAKERS: **1.** None.

(7) **APPEAL NO. 99-159**

HERMAN & JANE ABELSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[1970 Jackson Street.
[Determination by the Zoning Admin-
[istrator dated September 24, 1999 that
[the proposed screened off-street
[parking space in front of the subject
[property is not permitted under Planning
[Code Section 132(b) which requires a
[13-foot front setback, unless a variance
[is sought and granted.
[APPLICATION NO. 9918712.
[FOR FURTHER HEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellants prior to hearing.

(8) **APPEAL NO. 00-050**

WHOLE FOODS, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1765 California Street.
[Denial on March 30, 2000, of permit to
[Erect a Sign (relocate direct illuminated
[double-faced electric wall sign).
[APPLICATION NO. 2000/02/18/2315.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney was absent) to **UPHOLD** the Planning Department's denial of the subject permit.

SPEAKERS: **1.** Larry Badiner, Zoning Administrator, explained the 24 foot height limit in the Planning Code and the sloped street frontage of the site which allowed for other places under 24 feet for sign locations. He said trees blocking the sign now will grow and will block higher location, too. **2.** Steve Peterson, of Ad Art, for Whole Foods, the appellant, said the higher sign was needed so people could see where the garage entry is. Presently trucks parked along the curb and street trees block drivers' view of the entry sign.

(9) **APPEAL NO. 00-029**

ELIZABETH COLLET, Appellant vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	[3015 Washington Street. [Denial on February 11, 2000, of permit [to Alter a Building (construct new wood [frame deck at rear yard approx. 8'-6" [above grade; add new French doors to [deck from house; deck lighting and [fountain). [APPLICATION NO. 9912719S. [FOR HEARING TODAY.

ACTION: This appeal was **RESCHEDULED** to **May 17, 2000** prior to this meeting.

(10) **APPEAL NO. 00-040**

JACQUELINE STAVI, Appellant vs. DEPT. OF BUILDING INSPECTION, Respondent	[304 Eureka Street. [Protesting issuance on March 10, 2000, [to Andrew and Kathleen Lomas, permit [to Alter a Building (remove existing non-[complying stair and replace with [complying stair; smoke detectors). [APPLICATION NO. 2000/03/10/4097. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney was absent) to **CONTINUE** the case to **May 31, 2000** and to **CLOSE** the public testimony.

SPEAKERS: **1.** Laurence Kornfield, Chief Building Inspector, DBI, reported that he had spoken to Inspector Tom Corlett who visited the site in 1997 and reported for the Condo Conversion Application, an area in which he is an expert. The owner then was J. Stavi. **2.** Larry Badiner, Zoning Administrator, noted that the Assessor's records indicate the owner of the property as J. Stavi. **3.** Jacqueline Stavi, appellant/property owner, said that she had not authorized this permit application and she asked the Board to disapprove it. **4.** Andrew Lomas, permit holder and tenant, said he was at a loss at why he was here since the owner had consented to this permit which is to correct violations. He said he intended to purchase this unit once condo conversions are completed and that there is on-going litigation between him and Ms. Stavi. **5.** Judith Boyajian, Deputy City Attorney, said that she was confused but believes that the owner authorized the filing of this permit and now is revoking that consent.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 3, 2000

Items (11A) and (11B) were heard together

(11A) **APPEAL NO. 00-042**

JAMES McLEMORE & MALLUN BREEDLOVE-McLEMORE, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[738 Capitol Avenue.
[Protesting issuance on March 13, 2000,
[to Jose Murillo, permit to Erect a
[Building (three-story single-family
[dwelling).
[APPLICATION NO. 9802877.
[FOR HEARING TODAY.

(11B) **APPEAL NO. 00-043**

TAKEMI TOTES, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[738 Capitol Avenue.
[Protesting issuance on March 13, 2000,
[to Jose Murillo, permit to Erect a
[Building (three-story single-family
[dwelling).
[APPLICATION NO. 9802877.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney was absent) to **GRANT** the permit on **CONDITION** that all property line windows be above the peak of the roof on the McLemore's home, on **CONDITION** that the said property line windows consist of glass block or be opaque, on **CONDITION** that the permit holder rebuild the fence on the south side of the subject property, on **CONDITION** that the permit holder re-submit plans to show the adjoining properties more accurately, and on further **CONDITION** that the permit holder pay 2/3 or $2500, which ever is greater, of the cost of enclosing the crawl space and relocating the utility meters on Ms. Totes' property which is to be completed prior to the commencement of any construction, with **FINDINGS**.

SPEAKERS: **1.** Jose Murillo, permit holder, said he intended to build the fence required by the Planning Commission as well as pay for the moving of the crawl space opening, the electric service box and the electric meter, but he wanted to keep the windows with glass blocks or other opaqueness to safeguard neighbor's privacy. **2.** Mallun Breedlove-McLemore, co-appellant, said there are four issues: neighborhood character, character of Mr. Murillo, the windows along her property line, and the fence he said he would build. She said that he agreed to delete the windows in exchange for her not filing an appeal, but he had not deleted them. She feels the top floor should be deleted from the plans as it is out of character with the area. She said the drainage will be a problem, too. **3.** Takemi Totes, appellant, said she appealed because of the fence issue. She is concerned that her crawl space entry, electric box and electric meter will be blocked by the proposed project. She said the cost of moving these items was constantly rising and the $1500 awarded her by the Planning Commission was not sufficient anymore.
4. Joseph Totes, son of the appellant, said there was no mention on the plans of a retaining wall to support his family's house since Mr. Murillo is excavating below the Totes' structure which will sink if it is not reinforced. **5.** Laurence Kornfield, Chief Building Inspector, DBI, reported on two issues: the windows along the lot line which are permitted under the 1995 Building Code if certain conditions are met. He said the plans did not show the abutting buildings and that windows were not required by the Code. He felt there was nothing special here as far as underpinning and shoring. New construction must protect and preserve abutting properties. **6.** Lewis Robles, agent for the permit holder, described the level of excavation needed. The garage would be five feet off the line to protect neighbors. The windows would be of glass block and opaque and would not invade privacy. Mr. Murillo to pay 50/50 for moving Ms. Totes' meters. **7.** Larry Badiner, Zoning Administrator, said that the Planning Commission had proposed $300 to move the crawl space opening. He said the light well was not addressed by the Commission but was a staff recommendation.

(12) **APPEAL NO. V00-041**

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
[to Ma Estates, Rear Yard Variance to
[construct a four-car, semi-underground
[garage and one-story building addition
[in the required yard of a single family
[dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to **May 24, 2000** prior to the meeting.

There being no further business, President Chin adjourned the meeting at 8:27 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 17, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:**

ITEM A: 317 Rutledge Street. Letter from Ellen Engman, requesting that the Board take jurisdiction over Variance Case No. 99.623V granting a rear yard variance to Peter Strauss for construction of a two-story rear addition that encroaches approximately 4'4" into the required rear yard.

Date granted	January 20, 2000
Last day to appeal	January 31, 2000
Request for jurisdiction	April 24, 2000

ITEM B: 2370 Francisco Street. Letter from Patrick Maher, requesting that the Board take jurisdiction over Building Permit Application No. 9916867S issued to Dominique Fracchia for a partial third floor addition consisting of master bedroom, master bath, dressing room and roof deck.

Date issued	April 14, 2000
Last day to appeal	May 1, 2000
Request for jurisdiction	May 3, 2000

(4) **APPEAL NO. 99-200**

RALPH MAHER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation by the Taxicab Commission
[on December 9, 1999, of Taxicab
[Medallion No. 734.
[RESOLUTION NO. 71-99.
[FOR HEARING TODAY.

(5) **APPEAL NO. 00-036**

MATTHEW WONG, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on March 2, 2000, of
[Taxicab Medallion No. 942.
[RESOLUTION NO. 200-17.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-029**

ELIZABETH COLLET, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[3015 Washington Street.
[Denial on February 11, 2000, of permit
[to Alter a Building (construct new wood
[frame deck at rear yard approx. 8'-6"
[above grade; add new French doors to
[deck from house; deck lighting and
[fountain).
[APPLICATION NO. 9912719S.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-031**

OUTDOOR SYSTEMS ADVERTISING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1900 Van Ness Avenue.
[Suspension on March 2, 2000, of permit
[to Alter a Building (abate Notice of
[Violation; reduce and reinstall billboard
[sign to original size of 12'-3" x 24'-6").
[APPLICATION NO. 2000/02/02/806.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-045**

JEFFREY LEIBOVITZ, LOUISE BIRD, TOBY LEVY,
DEBRA DOLCH & JIM ROUIAN, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[599 Third Street.
[Protesting issuance on March 17, 2000,
[to V. Honig, permit to Alter a Building
[(alteration to interior layout; kitchen
[layout; bathroom, stairs, partition,
[penthouse-mechanical).
[APPLICATION NO. 2000/03/17/4732.
[FOR HEARING TODAY.

(9) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[3647-49 - 23rd Street.
[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business is limited
[by Planning Code Sections 182, 710.40
[and 790.102(e) to serve only the
[immediate neighborhood with all
[washing and cleaning done on-site and
[with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

(10) **CLOSED SESSION: ANNUAL EVALUATION OF EXECUTIVE SECRETARY.**

ITEM A: Public Comment on all matters pertaining to the Closed Session.

ITEM B: Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Annual evaluation of goals/objectives for Executive Secretary for Performance Management Program for FY 1999-2000 and setting goals for FY 2000-2001.

ITEM C: Board will reconvene in open session and vote whether or not to disclose any or all discussions held in closed session (S.F. Admin. Code Section 67.10(b)).

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 17, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Commissioner Carole Cullum, Commissioner Allam El Qadah and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Zoning Administrator, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Vice-President Sabrina Saunders.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Ron Wolter, United Taxicab Workers, spoke in opposition to the continuances granted for revocation of medallion appeals because there is such a long list of drivers waiting for medallions to be reissued. **2.** President Chin explained the Board's policy of granting continuances when a Commissioner is absent as this night, so as to reduce the need for rehearing appeals by a full five member Board.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: **1.** The Executive Secretary reported on the legislation introduced at the Board of Supervisors that would grant the status of "principals" to adjacent neighbors who have been Discretionary Review requestors at the Planning Commission when denied applicants appeal to the Board of Appeals. **2**. Commissioner Cullum explained that the version she was distributing was the latest version of the proposal by Supervisor Barbara Kaufman and that no amendment to the Board's rules would be necessary if the proposal is enacted.

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MINUTES OF REGULAR THE MEETING OF THE BOARD OF APPEALS, MAY 17, 2000

(3) **REQUEST FOR JURISDICTION BEYOND THE 10-DAY APPEAL PERIOD:**

ITEM A: 317 Rutledge Street. Letter from Ellen Engman, requesting that the Board take jurisdiction over Variance Case No. 99.623V granting a rear yard variance to Peter Strauss for construction of a two-story rear addition that encroaches approximately 4'4" into the required rear yard.

Date granted	January 20, 2000
Last day to appeal	January 31, 2000
Request for jurisdiction	April 24, 2000

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0 (Vice-President Saunders was absent) to **DENY** the request for jurisdiction.

SPEAKERS: **1.** Neil Gibbs, agent for requestor Ellen Engman, asked the Board to allow them to file a late appeal because proper notice was not given to neighbors of the project and the posting was done in an alley and not on a street. **2.** Larry Badiner, Zoning Administrator, explained how the Planning staff uses a professional list service for mailing notices of projects and that as far as he knew the proper notices were given for this case. He said that the poster in the alley was not within the letter of the requirements. No notice envelopes from the mailing have been returned by the Post Office. **3.** Peter Strauss, variance holder, said he felt the request is an attempt to block his modest development and that they had an opportunity to speak on the project at his variance appeal in March. He said they could see the posted notice and they were notified when his variance was granted, but they did not act until April 24th.

REQUEST FOR JURISDICTION BEYOND THE 15-DAY APPEAL PERIOD:

ITEM B: 2370 Francisco Street. Letter from Patrick Maher, requesting that the Board take jurisdiction over Building Permit Application No. 9916867S issued to Dominique Fracchia for a partial third floor addition consisting of master bedroom, master bath, dressing room and roof deck.

Date issued	April 14, 2000
Last day to appeal	May 1, 2000
Request for jurisdiction	May 3, 2000

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 (Vice-President Saunders was absent) to **DENY** the request for jurisdiction.

SPEAKERS: **1.** Patrick Maher, requestor, explained that he wanted to file a late appeal because the height of the project would have a negative impact on him. **2.** Dominique Fracchia, permit holder, said that Mr. Maher was a contractor and had understood the plans but had not appealed and that now he was well under way and it was too late. He said that the addition would only be 12 feet higher and not 15 as originally planned, so there was no need for the appeal anyway.

(4) **APPEAL NO. 99-200**

RALPH MAHER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation by the Taxicab Commission
[on December 9, 1999, of Taxicab
[Medallion No. 734.
[RESOLUTION NO. 71-99.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0 (Vice-President Saunders was absent) to **RESCHEDULE** the matter to **July 12, 2000** as requested by the appellant and agreed to by the respondent prior to the meeting.

(5) **APPEAL NO. 00-036**

MATTHEW WONG, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on March 2, 2000, of
[Taxicab Medallion No. 942.
[RESOLUTION NO. 200-17.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0 (Vice-President Saunders was absent) to **RESCHEDULE** the matter to **July 12, 2000** as requested by the appellant and agreed to by the respondent prior to the meeting

(6) **APPEAL NO. 00-029**

ELIZABETH COLLET, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[3015 Washington Street.
[Denial on February 11, 2000, of permit
[to Alter a Building (construct new wood
[frame deck at rear yard approx. 8'-6"
[above grade; add new French doors to
[deck from house; deck lighting and
[fountain).
[APPLICATION NO. 9912719S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0 (Vice-President Saunders was absent) to **OVERRULE** the Planning Department and **GRANT** the permit on **CONDITION** that the deck be pulled back by six inches, with Section 311 and Prop M **FINDINGS** from the Planning staff report which were incorporated by reference.

SPEAKERS: **1.** Larry Badiner, Zoning Administrator, explained how the Planning Commission on December 9th had come to disapprove the project because it believed an agreement had been made between the former owners and the neighbors several years ago, that no deck would ever be approved for this house, but that there was no writing or Notice of Special Restrictions in the file to memorialize such an agreement. He said the staff report and recommendation had been to approve the deck if shortened 6 inches so that it did not encroach into the required rear yard, and so that it meet the Residential Design Guidelines and Prop M and the Code, and so that it does not impede light and air and view or encroach into open space. **2.** David Cincotta, attorney for appellant, said he had not been a party to any agreement nor had the appellant been represented by counsel at the Planning Commission. He said that the Commission transcript he had submitted showed the only issue had been the alleged agreement of 1997 between the parties then, but that no written agreement had been presented. He felt the Code was being misinterpreted and that the appellant would lop off 6 inches so the deck would be Code compliant. **3.** Elizabeth Collet, appellant, said she was not trying to be difficult, but that she needed access to her yard which her project will provide, just as the other houses on the block have. **Public Comment in Support of the Project:** **4.** Julie Cook said she was not opposed to the plans and that there was no opposition to the appellant on the street. She too had gone through the permit process for a rear deck and she uses her yard now every day. **5.** Mark Dawson said he supports the project, and that he had been the real estate agent who represented the former owners who purchased and later sold the property and that he had been at the 1997 Commission meeting when the parties had spoken in the hallway and then had dropped the Discretionary Review request after passing a note to Mr. Passmore that DR was not necessary with the revised plans. He said there had been no agreement implied or written that one would ever again seek to build a deck, and that the proposed deck was a good addition to the building. **Public Comment Against the Project:** **6.** Richard Marshall said he had durable power of attorney for Wendy Volken, the neighbor who opposes the project, and that she still opposed it, but was ill and could not attend. She wants the Commission denial upheld along with 19 other neighbors and Don Cruet, a former owner, and Greg Scott, president of the Pacific Heights Neighborhood Association. **7.** Charles Molle said he lives at 113 Broderick and is 85 years old and supports the Commission denial of the permit. **8.** Commissioner Cullum said she had once done some legal work for Mr. Molle but she felt there was no conflict of interest for her here and that she could be fair and unbiased in this case. **9.** Stephen Williams, attorney for Ms. Volken, said that even if this hearing is de novo, that if there is any reason to uphold the Commission's denial it should be upheld. He reminded the Board that this key lot and the project impacts all the lots that abut it. He analyzed the project in terms of the Residential Design Guidelines and said the project would have a tremendous impact on the neighbors and that there is only one other elevated deck on the block. **10.** Eleanor Dickinson of 2125 Broderick Street said the proposed "so-called deck" of the 1996-1997 plan had been enclosed and that the City did not check on it or know about it. She asked why this deck kept coming up when the Commission and Mr. Passmore unanimously disapproved it. **11.** Andrew Green, Senior Building Inspector, DBI, explained the six inch tolerance allowed by the Building Code in answer to Commissioner McInerney's question.

(7) **APPEAL NO. 00-031**

OUTDOOR SYSTEMS ADVERTISING, Appellant vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[1900 Van Ness Avenue. [Suspension on March 2, 2000, of permit [to Alter a Building (abate Notice of [Violation; reduce and reinstall billboard [sign to original size of 12'-3" x 24'-6"). [APPLICATION NO. 2000/02/02/806. [FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0 (Vice-President Saunders was absent) to **RESCHEDULE** the matter to **May 31, 2000** at the request of the appellant.

SPEAKER: George Speir, attorney for Outdoor Systems, appellant.

(8) **APPEAL NO. 00-045**

JEFFREY LEIBOVITZ, LOUISE BIRD, TOBY LEVY, DEBRA DOLCH & JIM ROUIAN, Appellants vs. DEPT. BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	[599 Third Street. [Protesting issuance on March 17, 2000, [to V. Honig, permit to Alter a Building [(alteration to interior layout; kitchen [layout; bathroom, stairs, partition, [penthouse-mechanical). [APPLICATION NO. 2000/03/17/4732. [FOR HEARING TODAY.

ACTION: **WITHDRAWN** by the appellants prior to hearing.

MINUTES OF REGULAR THE MEETING OF THE BOARD OF APPEALS, MAY 17, 2000

(9) APPEAL NO. 99-112

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[3647-49 - 23rd Street.
[Determinations of the Zoning Administrator dated June 25 and July 13, 1999 [that the laundromat business is limited [by Planning Code Sections 182, 710.40 [and 790.102(e) to serve only the [immediate neighborhood with all [washing and cleaning done on-site and [with all windows closed, with [compliance within 30 days or abatement [action to be pursued.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0 (Vice-President Saunders was absent) to **RESCHEDULE** the matter to **May 31, 2000** at the request of Alex Weyand, attorney for appellants.

(10) **CLOSED SESSION: ANNUAL EVALUATION OF EXECUTIVE SECRETARY.**

ITEM A: Public Comment on all matters pertaining to the Closed Session.

SPEAKERS: None.

ITEM B: Closed Session pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b).

Annual evaluation of goals/objectives for Executive Secretary for Performance Management Program for FY 1999-2000 and setting goals for FY 2000-2001.

ACTION: Evaluation of the Executive Secretary performed by members of the Board.

ITEM C: Board reconvened in open session and voted whether or not to disclose any or all discussions held in closed session (S.F. Admin. Code Section 67.10(b).

ACTION: Upon motion by President Chin, the Board voted 4-0 (Vice-President Saunders was absent) to have **NO PUBLIC DISCLOSURE** of the matters discussed during the closed session.

There being no further business, President Chin adjourned the meeting at 7:15 p.m.

Arnold Chin, President

Robert H. Feldman
Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, MAY 24, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING:** 407 Connecticut Street. Letter from Andrew M. Zacks, attorney for appellants Allan and Lorraine Thompson, requesting rehearing of Appeals 98-136 and 98-137 heard on April 12, 2000. Upon motion by Commissioner Cullum, the Board voted 3-2 (President Chin and Commissioner McInerney dissented) to **UPHOLD** the department and **DENY** the demolition and building permits.

(4) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2234-2236 Francisco Street.
[Protesting issuance on November 12, [1998, to John and Evelyn Schiappacasse, permit to Alter a Building (remove [walls to provide parking spaces and [remove daycare facility).
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18, [1999.
[FOR FURTHER HEARING TODAY.

(5) **APPEAL NO. 99-073**

FRANK DAIJO, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[470 – 25th Avenue.
[Protesting issuance on April 22, 1999, to [Hugh Villavicencio, permit to Alter a [Building (replace kitchen cabinets, sink, [countertops, linoleum floor, window; [replace bathroom tub, sink, cabinets, [tile floor, repaint and repair floors).
[APPLICATION NO. 9907772.
[FOR REHEARING TODAY.

(6) **APPEAL NO. 00-054**

ELIZABETH ANNE DOHRMAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[21 Presidio Avenue.
[Protesting issuance on July 29, 1999, to [Joseph and Laura Sweeney, permit to [Alter a Building (remodel area adjacent [to garage on ground floor; remodel [existing full bath, laundry, game room, [bar; lateral force upgrade of lowest [story).
[PERMIT SUSPENDED TO ALLOW 15-[DAY APPEAL PERIOD.
[APPLICATION NO. 9904079.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-056**

PACIFIC HEIGHTS CONCERNED NEIGHBORS,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2910 Pacific Avenue.
[Protesting issuance on March 31, 2000,
[to Dan and Jaclyn Safier, permit to Erect
[a Building (three-story single family
[dwelling) at 2910 Pacific Avenue.
[APPLICATION NO. 9910723S.
[FOR HEARING TODAY.

(8) **APPEAL NO. V00-041**

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
[to Ma Estates, Rear Yard Variance to
[construct a four-car, semi-underground
[garage and one-story building addition
[in the required yard of a single family
[dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-069**

TWIN PEAKS IMPROVEMENT ASSOCIATION,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Sutro Tower.
[Zoning Administrator's determination
[dated April 14, 2000 that the work
[covered by Building Permit Application
[No. 9916932 requires no new or
[modified conditional use authorization
[by the Planning Commission and is
[covered by Planning Commission
[Resolution No. 5967.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

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Board of Appeals
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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, MAY 24, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney who arrived late at 6:54 p.m.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Zoning Administrator, Planning Department; Rafael Torres-Gil, Senior Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: President Chin asked the audience for a show of hands of those who intended to speak on Item 9 and announced it wouldn't be considered until at least seven in order to allow Commissioner McInerney to arrive.

(3) **REQUEST FOR REHEARING:** 407 Connecticut Street. Letter from Andrew M. Zacks, attorney for appellants Allan and Lorraine Thompson, requesting rehearing of Appeals 98-136 and 98-137 heard on April 12, 2000. Upon motion by Commissioner Cullum, the Board voted 3-2 (President Chin and Commissioner McInerney dissented) to **UPHOLD** the department and **DENY** the demolition and building permits.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney was absent) to **CONTINUE** the matter to **May 31, 2000**.

SPEAKER: Andrew Zacks, attorney for appellants, asked for a continuance to the next meeting with five members present.

(4) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2234-2236 Francisco Street.
[Protesting issuance on November 12, 1998, to John and Evelyn Schiappacasse, permit to Alter a Building (remove walls to provide parking spaces and remove daycare facility).
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18, 1999.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 3-1 (President Chin dissented, Commissioner McInerney was absent) to **CONTINUE** the matter to **October 4, 2000**.

SPEAKERS: 1. Lawrence Alioto, attorney for appellant, reported that he has appealled the Superior Court judgement against his client and expects to win on appeal. He said the case presents novel issues of law of child care and provisions of the Health and Safety Code, and a stay on the eviction action remains in place, so he requested a continuance for six months.. **2.** Andrew Zacks, attorney for permit holders, said he felt this request was just delaying the inevitable. His clients have been trying to get the permit for 18 months. The court upheld his detainer action and he felt the Board should decide this appeal now and uphold the permit.

(5) **APPEAL NO. 99-073**

FRANK DAIJO, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[470 – 25th Avenue.
[Protesting issuance on April 22, 1999, to Hugh Villavicencio, permit to Alter a Building (replace kitchen cabinets, sink, countertops, linoleum floor, window; replace bathroom tub, sink, cabinets, tile floor, repaint and repair floors).
[APPLICATION NO. 9907772.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney was absent) to **CONTINUE** this matter to **August 30, 2000**.

SPEAKER: The Executive Secretary asked the Board to continue the matter to August 30, 2000 as requested by the parties who have begun settlement negotiations which may mean no hearing will be necessary.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 24, 2000

(6) **APPEAL NO. 00-054**

ELIZABETH ANNE DOHRMAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[21 Presidio Avenue.
[Protesting issuance on July 29, 1999, to
[Joseph and Laura Sweeney, permit to
[Alter a Building (remodel area adjacent
[to garage on ground floor; remodel
[existing full bath, laundry, game room,
[bar; lateral force upgrade of lowest
[story).
[PERMIT SUSPENDED TO ALLOW 15-
[DAY APPEAL PERIOD.
[APPLICATION NO. 9904079.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-0 (Commissioner McInerney was absent) to **GRANT** the permit on **CONDITION** that a trellis be placed on the subject property deck or shared property line, or upon other agreement of the parties.

SPEAKERS: **1.** Elizabeth Dohrman, appellant, explained that all she opposed was the lower deck which impinges on her privacy due to the different elevation she is on. She was out of the country when it was built and she had no notice from her neighbors of how large the deck is so she was allowed a new appeal period. She is devastated by the deck. **2.** Joseph Sweeney, permit holder, explained the chronology of events regarding the project and said the deck is almost completed except for a railing. He explained what measures he had taken to mitigate the impact on the appellant. Photos show greenery between the houses in the yard. He described support from the neighbors on the west and the north. **3.** Rafael Torres-Gil, Senior Building Inspector, DBI, reported on the notification made in the case. **4.** Larry Badiner, Zoning Administrator, said that the project was too small to trigger Section 311 notification requirements under the Planning Code.

Commissioner McInerney arrived at 6:54 p.m.

(7) **APPEAL NO. 00-056**

PACIFIC HEIGHTS CONCERNED NEIGHBORS,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2910 Pacific Avenue.
[Protesting issuance on March 31, 2000,
[to Dan and Jaclyn Safier, permit to Erect
[a Building (three-story single family
[dwelling) at 2910 Pacific Avenue.
[APPLICATION NO. 9910723S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the permit with the adoption of Section 311 and Prop M **FINDINGS** to be incorporated by reference from the Planning staff report.

SPEAKERS: **1.** James Johnson spoke for the appellant group and asked that the Board require modifications to the project to bring it into harmony with the other houses being built on the former Grant school site, of which this is the last lot to receive a permit. He said that unlike the others, the permit holder would make no concessions to his group, and that the house will look odd in context although it may be a good design if standing alone. **2.** Gail Schecter, agent for appellant group, described the serial petition with 50 names she submitted in support of the appeal. She said the design is unfair to the neighbors since it takes advantage of an unnatural elevation from the old playing field which should be lowered. **3.** Alice Barkley, attorney for the permit holders, submitted a letter from the Pacific Heights organization in support of the project. She explained how the proposed house will fit in with the other new houses which are all unlike one another. **4.** Ed McEachron, architect for the permit holder, explained how the drainage problem of the site was being addressed. **5.** Larry Badiner, Zoning Administrator, reported that the Planning Commission had voted not to take the project under Discretionary Review and had approved the plans with no changes. He said the Planning staff had recommended approval. **Public Comment for Appellants: 6.** Dorothy Kitt of 2801 Broadway, to the north and below the site, described her concerns about the drainage problems generated by the removal of the asphalt from the site. She asked the Board to impose conditions that will prevent drainage problems. **7.** Judith Wilson said she was one of the six tenants who are affected by the project and were not present when the plans were shown at the association meeting She said that their group had negotiated with the other owners and wanted to do the same with the permit holders. The project will block her light and air, so she requested more setback. **8.** Linda Romary of 2919 Pacific, #10, on the third floor, said her view will be gone and the permit holders lack consideration for the neighborhood in not respecting the 35-foot height limit and a 25-foot setback. **Public Comment for the Project: 9.** Susan Lowenberg said that she could not be happier with the design for the house and that she could not even remember from her years on the Planning Commission that the Pacific Heights Association ever supported a project as in the case here.

(8) **APPEAL NO. V00-041**

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
[to Ma Estates, Rear Yard Variance to
[construct a four-car, semi-underground
[garage and one-story building addition
[in the required yard of a single family
[dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to **July 12, 2000** prior to hearing.

SPEAKERS: None.

(9) **APPEAL NO. 00-069**

TWIN PEAKS IMPROVEMENT ASSOCIATION,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Sutro Tower.
[Zoning Administrator's determination
[dated April 14, 2000 that the work
[covered by Building Permit Application
[No. 9916932 requires no new or
[modified conditional use authorization
[by the Planning Commission and is
[covered by Planning Commission
[Resolution No. 5967.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Chin, the Board voted 5-0 to **UPHOLD** the Zoning Administrator's determination with **FINDINGS** submitted by the attorney for the determination holder.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 24, 2000

SPEAKERS: 1. President Chin addressed several questions to Judith Boyajian, Deputy City Attorney, concerning the issues raised in this appeal. **2.** Judith Boyajian, Deputy City Attorney, said that the Planning Director had the legal authority to assume the function of Zoning Administrator, that he had the authority to rescind the determination of Mary Gallagher in December 1999 before the determination became final at the end of the 15-day appeal period, although once a determination is appealed to the Board of Appeals it can no longer be modified or rescinded, and that the Superior Court had upheld the Board's 1998 decision on a previous similar determination. **3.** Gerald Green, Director of Planning and the Acting Zoning Administrator who wrote the subject determination, said that he had rescinded the earlier determination because, after analysis of the history of this matter and review of the judicial decision of the last determination appealed to the Board, he found it to be contradictory to the 12 years of City policy and precedents by Robert Passmore. He explained how the tower is necessary for emergency communications of SFPD and the SFFD for protection of the western portion of the City. He said the findings of the 1966 Conditional Use resolution covered the changes in use of the tower over the years, and that the present Discretionary Review policy will allow the public to comment on all aspects of the permit presently under review by the Planning Department. **4.** Christine Linnenbach, attorney for the appellant group, using the overhead projector, explained how the original 1966 Conditional Use resolution of the Planning Commission only covered the ten TV and four radio stations and that the many score antennas and two underground fuel tanks added since without proper permits were not covered and a new Conditional Use authorization was required by the Planning Code. She described the history of the tower and its permits and alleged that the tower now posed a health and safety hazard to its immediate neighbors and the City for which those concerned needed a Conditional Use forum to find relief from the City. **Public Comment for the Acting Zoning Administrator: 5.** Debra Stein, attorney for the determination holder, Sutro Tower, Inc., explained how the original Conditional Use resolution allowed the many technical and broadcasting upgrades over the years and advised the Board that all forums had rejected the appellant;'s arguments, including the Superior Court in December 1999. She asked the Board to uphold the subject determination. 6. Ronald Van Buskirk, attorney for the determination holder, said that the Superior Court had upheld the Zoning Administrator's former determination by Robert Passmore and that all the earlier determinations had been upheld. Adding digital TV equipment was not a significant change in use justifying a new Conditional Use authorization. He is confident that the recent court decision will be upheld on appeal. **6.** Eugene Zastrow, general manager of Sutro Tower, Inc., described the health and safety measures voluntarily undertaken to insure safety to the neighbors, including review by an expert structural advisory committee, and measurement of radiation within 1000 feet with the Health Department which allowed less than 15% of that allowed under federal standards, with more structural upgrades being planned and a physical test to be done. **7.** Robert McCarthy, attorney for determination holder, explained the 1966 resolution language and how it covers the additions made over the years to the tower, including the new means of communication. He said the Planning Commission in 1966 had been prescient in its language. He showed large photos of the tower in 1974, 1986, and 2000 to show how it has not changed in appearance from a distance. **Public Comment for the Appellant: 8.** Aaron Peskin, President of the Telegraph Hill Dwellers, read a declaration by Mary Gallagher, the former Zoning Administrator whose determination in December had been rescinded by Gerald Green, the Director of Planning, which gave a narrative of events concerning her determination and resignation. She wrote that she had followed all instructions of the Planning Director in reaching her determination. **9.** Jon Ridenour said that no one had mentioned the diesel fuel in underground tanks and their proximity to reservoirs and that the state and federal officials had no knowledge of these tanks since there had been no building permits filed for them until he had informed the engineer working on a reservoir retrofit program. The tower owners had evaded the permit process when installing the tanks. **10.** Christopher Beaver of Friends of Noe Valley quoted Supervisor Leland Yee's question to Gerald Green at the recent meeting of the Public Utilities and De-Regulation Committee on this very subject as well as Deborah Kearny's remarks about Look Out Mountain antennas in Colorado and the high incidence of brain cancer there. Supervisor Yee had asked if 10,000 antennas had been added to the tower would that trigger a new Conditional Use process and that Gerald Green had answered "no." **11.** Elizabeth Mettling said that the bureaucracy is to serve the public and that when a public official is fired as in the case of Mary Gallagher, something is terribly wrong. **12.** Doug Comstock, President of the Coalition of San Francisco

Neighborhoods, asked people in the audience to hold up their signs showing their neighborhood association names, all of whom support the appellant. He said the tower had been out of control from its beginning and should be expected to follow the law. He said it is built on what was supposed to be a green belt. **13.** Liddy Kelley said that the people should be represented in determining appropriate land use, so that families can be raised without threats to safety. The issue is love of humanity and it will not die soon. She recommended a scientific panel as in England to advise of the siting of antennas away from schools, and that this was a case of radiation without representation. **14.** Daniela Kirshenbaum of the Pacific Heights Association asked who will say the Board did the right thing in the event the tower falls. **15.** Mary Helen Briscoe from the Haight-Ashbury and Stanyan-Fulton area said she is concerned that the tower is not following the Codes. She said the Conditional Use process is costly but that citizens needed to know about the tower and its affects on them. 16. Marc Solomon showed a communicators device and said that democracy and the planning process in the City is broken. He said there are special rules for people who can afford lawyers and lobbyists and that the Federal Bureau of Investigation is following the problem and hoped the Board was also. **17.** Rae Doyle of the Greater West Portal Neighborhood Association said he and his group were in support of the appellant. **18.** Siu Ling Chen, formerly of the City Attorney's Office, said that the only issue is whether the new building permits required a new Conditional Use authorization. She said that in 1988 a new Conditional Use was required and the application was disapproved for new antennas. She said that there is a visual impact from antennas and equipment added to the tower that can be seen by the people living under the tower. She said the current clutter of antennas and equipment on the tower was not authorized in 1966. She asked the Board to apply the Planning Code which requires Conditional Use for utilities in residential neighborhoods. **19.** Claire McGhee said she supports the appellant and that replacement of the old tower needs a Conditional Use process now. She said that six booms on the tower were installed without permits and these are not just flags but are heavy. **20.** Hiroshi Fukuda of the Richmond District listed recent disasters and said we could have one here, since the tower is quite old and needs more care. The old should slow down but this old tower is taking on more work. He said he felt we should be prudent and help the tower and that safety of the tower is for the people and the old tower needs to be studied. **21.** Mary Russo McAfee reminded the Board of the 1995 sewer collapse, a disaster, though no one died. All of the houses on 24th Avenue could have been lost. Here the Board has the power to take precautions concerning another utility and to avoid another disaster.

22. John Barbey of the Western Addition group said the issue is the safety of the structure with 200 antennas added to it weighing tons. He said not requiring a Conditional Use process defies simple logic since the tower was built with pre-1966 technology and there is at least a 5% chance of an earthquake greater than the one in 1906. A third-party evaluation is needed to study the effect of the additional antennas and the fuel tanks. He implored the Board to give the public a Conditional Use forum. **23.** Joan Girardot, President of the Coalition of San Francisco Neighborhoods, made up of 38 associations including the appellant, said she felt Mary Gallagher's determination was well thought out and should be reinstated and she asked by what authority did Gerald Green appoint himself Acting Zoning Administrator, and if his conclusion is correct, what limit is there to the number of antennas that can be added to the tower without a new Conditional Use authorization. **24.** Bud Wilson, former President of the Greater West Portal Neighborhood Association, currently Vice-President of the Twin Peaks Council, supports the appellant and said the Planning Code provides safety to the average citizen, and the determination gives the public no opportunity to address the Commission on this health and safety issue. He hopes that public space can be restored in the process. **25.** John Bardis of the Inner Sunset Action Committee described a meeting 30 years ago of SPEAK that was about the Conditional Use for the tower. Now the problem is that the Conditional Use process is not being followed for an industrial-scale facility in a residential area with underground fuel tanks. This is a graphic case of failure to follow the law. **26.** Walter Caplan of Forest Knolls said the case depends on the meaning of the facts and law and he cited a 1985 California Supreme Court case about a Sports Arena and Conditional Use which required the Conditional Use process. It led to Robert Passmore requiring a Conditional Use in 1988 for new antennas. There are limits to what can be added to the tower and they have gone way beyond the limits. We need notice and hearings before we decide things. **27.** John Backus of the appellant group said this case of the fox looking after the chickens and he is disgusted by the back room dealing. **Public Comment in General:**

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 24, 2000

28. Alice Barkley said she was not for the appeal but she wanted to remind the Board that the 1996 Charter changed the powers of the Zoning Administrator. The role had been independent, but it was decided to be put under the Director of Planning. She voted against it, but it was adopted by the voters.
29. Jules Hummus of the appellant group in answer to a question from Commissioner El Qadah, said that he had a photo of his house showing a piece of metal that fell from the tower, and that one day while walking his dog he saw workmen paving concrete and he was told by them that something fell from the tower and they had been told to pick it up right away.

There being no further business, President Chin adjourned the meeting at 10:17 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 31, 2000

31/00

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: 105 Molimo Drive. Letter from Dawn L. Hassell, attorney for Marian Mozian, requesting that the Board take jurisdiction over Building Permit Application No. 9905531 issued to Milt Simpson for replacement of existing deck with three stories of decks with a stair; remodel interior stairs; replace existing masonry fireplace with metal fireplace and flue; replace two bathrooms and kitchen; enlarge rear of house 4 feet at living/dining room and 6-1/2 feet at master bedroom/bath below finished existing basement; replace furnace, windows and doors.

Date issued	February 14, 2000
Last day to appeal	February 29, 2000
Request for jurisdiction	May 9, 2000

ITEM B: 561 Birch Street. Letter from Michael Raifsnider requesting that the Board take jurisdiction over Building Permit Application No. 9923752 issued to Kevin Rambke to remove an illegal fifth unit and return the building to its legal use (four units).

Date issued	March 21, 2000
Last day to appeal	April 5, 2000
Request for jurisdiction	May 12, 2000

REQUESTS FOR REHEARING:

ITEM C: 407 Connecticut Street. Letter from Andrew M. Zacks, attorney for appellants Allan and Lorraine Thompson, requesting rehearing of Appeals 98-136 and 98-137 heard on April 12, 2000. Upon motion by Commissioner Cullum, the Board voted 3-2 (President Chin and Commissioner McInerney dissented) to **UPHOLD** the department and **DENY** the demolition and building permits.

ITEM D: 738 Capitol Avenue. Letter from Takemi Totes, appellant, requesting rehearing of Appeal No. 00-043. Hearing May 3, 2000. Upon motion by Commissioner Cullum, the Board voted 4-0 (Commissioner McInerney absent) to **UPHOLD** the department and **GRANT** the permit with **FINDINGS** with the following **CONDITIONS:** (1) All property line windows be above the peak of the roof on the McLemore's home; (2) Said property line windows consist of glass block or be opaque; (3) The permit holder rebuilds the fence on the south side of the subject property; (4) The permit holder resubmits plans to show the adjoining properties more accurately; (5) The permit holder pays 2/3 or $2,500, whichever is greater, of the cost of enclosing the crawl space and relocating the utility meters on Ms. Totes' property which is to be completed prior to the commencement of any construction.

(4) **APPEAL NO. 00-008**

JUDY L. WEST, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[321 Potrero Avenue.
[Determination by the Zoning Administrator dated January 5, 2000 that expansion of the non-complying rear structure cannot be approved until a variance from the rear yard standards for residential blocks of buildings in M-1 (Light Industrial) districts has been granted, and the fact that serious strengthening and disabled access is being provided as part of the proposed expansion has no bearing on this determination.
[FOR REHEARING TODAY.

(5) **APPEAL NO. 00-003**

RANDY GEORGE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[361 Lombard Street.
[Denial on December 23, 1999, of permit to Alter a Building (legalization of hot tub).
[APPLICATION NO. 9903366.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-031**

OUTDOOR SYSTEMS ADVERTISING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1900 Van Ness Avenue.
[Suspension on March 2, 2000, of permit to Alter a Building (abate Notice of Violation; reduce and reinstall billboard sign to original size of 12'-3" x 24'-6").
[APPLICATION NO. 2000/02/02/806.
[FOR HEARING TODAY.

(7) **APPEAL NO. V00-037**

WADE VAN VALIN, PAUL & KELLY GVILDYS,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[639 Shotwell Street.
[Denial on March 6, 2000, of Rear Yard Variance (legalize construction of a one-story addition and allow the construction of a rear stair that encroaches approximately six feet in the required rear yard).
[VARIANCE CASE NO. 98.805V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, MAY 31, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Zoning Administrator, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

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(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: 105 Molimo Drive. Letter from Dawn L. Hassell, attorney for Marian Mozian, requesting that the Board take jurisdiction over Building Permit Application No. 9905531 issued to Milt Simpson for replacement of existing deck with three stories of decks with a stair; remodel interior stairs; replace existing masonry fireplace with metal fireplace and flue; replace two bathrooms and kitchen; enlarge rear of house 4 feet at living/dining room and 6-1/2 feet at master bedroom/bath below finished existing basement; replace furnace, windows and doors.

Date issued	February 14, 2000
Last day to appeal	February 29, 2000
Request for jurisdiction	May 9, 2000

ACTION: WITHDRAWN by Dawn L. Hassell, attorney for requestor, prior to hearing.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 31, 2000

ITEM B: 561 Birch Street. Letter from Michael Raifsnider requesting that the Board take jurisdiction over Building Permit Application No. 9923752 issued to Kevin Rambke to remove an illegal fifth unit and return the building to its legal use (four units).

Date issued	March 21, 2000
Last day to appeal	April 5, 2000
Request for jurisdiction	May 12, 2000

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **GRANT** the request for jurisdiction.

SPEAKERS: 1. Michael Raifsnider, attorney for requestor, explained that he had come to the Board as soon as he could. He said that the Board should allow the late appeal because of the shortage of housing, it would be a benefit to San Francisco if the unit is legalized. His client has been served with a notice to quit and an unlawful detainer action has been filed. **2.** Larry Badiner, Zoning Administrator, said that the Planning Commission is in the process of clarifying its policy on illegal units and that permits to remove illegal units will require Section 311 notification as a matter of policy. **3.** Laurence Kornfield, Chief Building Inspector, DBI, said that he had no information on this item and explained the Building Code notice requirements for substantial alterations and that there was not a definition of "substantial alterations" in the Building Code.

REQUESTS FOR REHEARING:

ITEM C: 407 Connecticut Street. Letter from Andrew M. Zacks, attorney for appellants Allan and Lorraine Thompson, requesting rehearing of Appeals 98-136 and 98-137 heard on April 12, 2000. Upon motion by Commissioner Cullum, the Board voted 3-2 (President Chin and Commissioner McInerney dissented) to **UPHOLD** the department and **DENY** the demolition and building permits.

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-2 (President Chin and Commissioner McInerney dissented) to **DENY** the request for rehearing.

SPEAKERS: 1. Andrew Zacks, attorney for appellants/requestors, requested a rehearing for the reason that the findings of the Planning Commission and of the Board were defective and did not support the decision of the Board since his clients' plans met all Code requirements and their disapproval was not justified. **2.** Larry Badiner, Zoning Administrator, asked the Board to not grant a rehearing and said that the Planning Commission had made findings that the proposed design failed to meet the Residential Design Guidelines and that the Commission had asked the appellants to modify their plans. He said that since no new evidence was being presented, that no rehearing should be granted.

ITEM D: 738 Capitol Avenue. Letter from Takemi Totes, appellant, requesting rehearing of Appeal No 00-043. Hearing May 3, 2000. Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner McInerney was absent) to **UPHOLD** the department and **GRANT** the permit with **FINDINGS** with the following **CONDITIONS:** (1) All property line windows be above the peak of the roo on the McLemore's home; (2) Said property line windows consist of glass block or be opaque; (3) The permit holder rebuilds the fence on the south side of the subject property; (4) The permit holder resubmits plans to show the adjoining properties more accurately; (5) The permit holder pays 2/3 or $2,500 whichever is greater, of the cost of enclosing the crawl space and relocating the utility meters on Ms Totes' property which is to be completed prior to the commencement of any construction.

ACTION: Upon motion by President Chin, the Board voted 4-0 to **RECUSE** Commissioner McInerney. Afterwards, upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner McInerney was recused) to **DENY** the request for rehearing.

SPEAKERS: **1.** Takemi Totes, appellant/requestor, said she was asking for a rehearing not because she had a problem with the proposed building, but because she did not have the money to do the necessary repairs on her building and she wanted the Board to spare her the costs and have the seller pay. **2.** Mark Murillo, son of the permit holder, urged the Board to deny the request for rehearing because the appellant will continue to file appeals to stall the project, and no new evidence was being offered. He said the fence will not be impacted by the construction. **3.** Joseph Totes, son of the appellant, in answer to a question from Commissioner El Qadah, said that the current fence encroaches on their property and that a new fence was very necessary.

(4) **APPEAL NO. 00-008**

JUDY L. WEST, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[321 Potrero Avenue.
[Determination by the Zoning Admin-
[istrator dated January 5, 2000 that
[expansion of the non-complying rear
[structure cannot be approved until a
[variance from the rear yard standards
[for residential blocks of buildings in M-1
[(Light Industrial) districts has been
[granted, and the fact that serious
[strengthening and disabled access is
[being provided as part of the proposed
[expansion has no bearing on this
[determination.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** this matter to **July 19, 2000**.

SPEAKERS: None. (A variance decision is expected soon for the benefit of the appellant.)

(5) **APPEAL NO. 00-003**

RANDY GEORGE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[361 Lombard Street.
[Denial on December 23, 1999, of permit
[to Alter a Building (legalization of hot
[tub).
[APPLICATION NO. 9903366.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the permit on **CONDITION** that the metal pipes in the subject light well be painted light colors, and on **CONDITION** that a lattice fence no more than 6 feet in height be installed in the light well to cover up the metal pipes, with **FINDINGS**.

SPEAKERS: **1.** Larry Badiner, Zoning Administrator, explained the history of the permit and the Planning Commission's discretionary review hearing and its decision. Hot tubs are permitted as rooftop obstructions. **2.** Laurence Kornfield, Chief Building Inspector, DBI, explained that the building permit was filed as part of the abatement action and settlement and if the permit is issued the hot tub can stay.

3. Steve Atkinson, attorney for appellant, explained the history of the dispute between his client and Mr. Jans, the neighbor who complained of the noise from the hot tub equipment in the light well which was resolved in 1997. He said his client had offered to erect a lath lattice work to screen the equipment, but the neighbors had not accepted the offer. He asked the Board to overrule the Commission and grant the permit and he offered to accept a condition to screen the equipment from the neighbor's view. **Public Comment in Support of the Commission's Denial: 4.** Donald Jans, adjoining property owner, said the City was right in denying the permit. He only has a problem with the high pitched whine of the equipment which should not be allowed in the light well under several provisions of the Building Code which he cited. **5.** Daniel Conrad, attorney for Eric Johnson, a neighbor, asked the Board to uphold the Commission's denial because of the visual impact of the equipment and pipes in the light well. He said the appellant had earlier misrepresented a penthouse. **6.** Laurence Kornfield, Chief Building Inspector, DBI, said that from the photos and plans the tub and the equipment met the Building Code and there were no problems with a lath wall to screen the equipment since fences do not have to be fire rated and are allowed up to six feet with no permit. 6. Randolph George, the appellant, in response to a question from Commissioner McInerney, said that he was willing to paint the pipes and vents in the light well and run them up the corners to minimize their unsightliness.

(6) **APPEAL NO. 00-031**

OUTDOOR SYSTEMS ADVERTISING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1900 Van Ness Avenue.
[Suspension on March 2, 2000, of permit
[to Alter a Building (abate Notice of
[Violation; reduce and reinstall billboard
[sign to original size of 12'-3" x 24'-6").
[APPLICATION NO. 2000/02/02/806.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner Cullum dissented) to **UPHOLD** the suspension of the permit. 4 votes being necessary to overturn any departmental action, the suspension of the permit by the Planning Department is **UPHELD.**

SPEAKERS: 1. Larry Badiner, Zoning Administrator, explained that the sign on the site had been expanded without a permit and a Notice of Violation had been issued for this non-conforming sign which now must comply with the sign standards of the Planning Code and not exceed 300 square feet with a wall entirely behind it. Van Ness Avenue is not a freeway at this point and a 300sf wall sign is a permitted use. **2.** George Speir, attorney for appellant, gave a history of this sign and described the litigation between the owner of the adjacent building and his client, as well as the evolution of the type of signs used over the years. He maintained that the sign was never completely removed from the wall, but only replaced in part and he thought it was ironic that the City seemed to object to a size reduction of the sign. **Public Comment in Support of the City: 3.** Robert Moore, attorney for Joseph Betz, the owner of the adjacent building occupied by House of the Prime Rib, describe how the present sign hangs over his client's property for which he has never been paid. The litigation is about this fact. **4.** Laurence Kornfield, Chief Building Inspector, DBI, said that under the Building Code the property owner over which a construction hangs needs a building permit for such construction over it and Betz needs such a permit if the sign is to continue to hang over his property.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, MAY 31, 2000

(7) **APPEAL NO. V00-037**

WADE VAN VALIN, PAUL & KELLY GVILDYS,
Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[639 Shotwell Street.
[Denial on March 6, 2000, of Rear Yard
[Variance (legalize construction of a one-
[story addition and allow the construction
[of a rear stair that encroaches
[approximately six feet in the required
[rear yard).
[VARIANCE CASE NO. 98.805V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-1 (President Chin dissented) to **GRANT** the variance with **FINDINGS**.

SPEAKERS: **1.** Larry Badiner, Zoning Administrator, explained that this variance application had been disapproved because there was not sufficient hardship to justify the proposed rear yard addition. **2.** Jeremy Paul, agent for appellants, using a Power Point presenter and photos, explained how little the proposed addition will impact neighbors, who support the project, how the addition and deck are necessary for open space, and how the appellants should be applauded for saving a dilapidated old Victorian and bringing it up to current standards instead of demolishing it and building a modern building out of character with the neighborhood. **No Public Comment.**

There being no further business, President Chin adjourned the meeting at 8:11 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 7, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: 378 Cumberland Street. Letter from Fernando Evangelho, requesting that the Board take jurisdiction over Building Permit Application No. 9919077 issued to Richard Beard and Michael Booth for demolition of a single-family residence.

Date issued	April 26, 2000
Last day to appeal	May 11, 2000
Request for jurisdiction	May 25, 2000

(4) **APPEAL NO. 00-058**

JOHN D. HENSALA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[4339 California Street.
[Protesting issuance on April 4, 2000, to
[Will Ng, permit to Erect a Building (three
[dwelling units).
[APPLICATION NO. 2000/21/10/1623S.
[FOR HEARING TODAY.

(5) **CONSENT ITEM:** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(A) **APPEAL NO. 00-070**

KANS YEE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[689-691 – 16th Avenue.
[Appeal for Refund of Penalty imposed
[on May 4, 2000.
[APPLICATION NO. 2000/03/28/5681.
[FOR HEARING TODAY.

(B) **APPEAL NO. 00-072**

VICTORIA ESMAS, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1465 – 14th Avenue.
[Imposition of Penalty on May 15, 2000.
[APPLICATION NO. 9919282.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-057**

SAWYER & GINETTE TERRELL, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2037 Hyde Street.
[Protesting issuance on April 7, 2000, to [Jacques Janot, permit to Alter a Building [(create three-foot high concrete deck in [rear yard).
[APPLICATION NO. 2000/03/24/5368.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-059**

KATHRYN L. ANDERSON, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[347A Masonic Avenue.
[Protesting issuance on April 4, 2000, to [John Mallory, permit to Alter a Building [(relocate wall between unit and garage; [level floor; change sink/wash basin [location; add electrical fixtures; remove [illegal unit and revert to original use).
[APPLICATION NO. 2000/02/23/2634.
[FOR HEARING TODAY.

(8) **APPEAL NO. V00-062**

JOSEPHINE FRENDO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[201 Mansell Street.
[Denial on April 14, 2000, of Minimum [Lot Area and Rear Yard Variances [(subdivide an existing 25 x 170-foot [deep lot into two lots, resulting in an [existing one-story over garage, single [family dwelling and creation of a vacant [and buildable lot with proposed [construction of a new two-story over [garage, two-bedroom, single-family [dwelling on separate lots.
[VARIANCE CASE NO. 99.136V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 7, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Allam El Qadah and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney; Lawrence Badiner, Zoning Administrator, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Commissioner Carole Cullum.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

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(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: 378 Cumberland Street. Letter from Fernando Evangelho, requesting that the Board take jurisdiction over Building Permit Application No. 9919077 issued to Richard Beard and Michael Booth for demolition of a single-family residence.

Date issued	April 26, 2000
Last day to appeal	May 11, 2000
Request for jurisdiction	May 25, 2000

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 7, 2000

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0-1 (Commissioner Cullum was absent) to **DENY** the request for jurisdiction.

SPEAKERS: **1.** Laurence Kornfield, Chief Building Inspector, DBI, explained the notice requirements for the subject project and how a second appeal period was allowed. He said that no demolition had occurred yet. **2.** Fernando Evangelho, requestor, urged the Board to allow him to file a late appeal because of his fear that the demolition would damage his property and he wanted a guarantee that i would not. He said he wants his property videotaped before the demolition. He said he was out of the country when the permit was issued. **3.** Richard Beard, co-permit holder and project architect, said that the property was posted when the permit was issued on April 26, 2000 and showed a photo of the poste on the building. He urged the Board to not allow a late filing which he said would only be a stalling tactic. He assured the Board he would take all regular steps to not damage his neighbor's property since his credibility as an architect in the community depended on it. He said this permit was the last hurdle as the site permit was issued and not appealed. He intends to negotiate the issues raised with his neighbor and an appeal now would be an abuse of the process.

(4) **APPEAL NO. 00-058**

JOHN D. HENSALA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[4339 California Street.
[Protesting issuance on April 4, 2000, to
[Will Ng, permit to Erect a Building (three
[dwelling units).
[APPLICATION NO. 2000/21/10/1623S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner Cullum was absent) t **GRANT** the permit with the **CONDITION** stipulated in the principals' agreement.

SPEAKERS: **1.** The Executive Secretary reported that the parties had reached an agreement and tha the appellant and his attorney were on their way to New York to be on national television but had aske that the Board go ahead and uphold the permit with their agreement with the permit holder for temporary fence attached as conditions of approval. The permit holder was present but did not speak.

(5) **CONSENT ITEMS**: With the consent of the Department of Building Inspection, the Board will proceed t a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provide for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(A) **APPEAL NO. 00-070**

KANS YEE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[689-691 – 16th Avenue.
[Appeal for Refund of Penalty imposed
[on May 4, 2000.
[APPLICATION NO. 2000/03/28/5681.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0-1 (Commissioner Cullum wa absent) to **REDUCE** the penalty to three (3) times the regular fee.

SPEAKERS: **1.** Kans Yee, son of the appellant, said that many houses in the City have similar in-la apartments and yet his father was reported and must remove his. He said that the unit has not bee rented in ten years and that his father is getting old. The unit was added 30 years ago and his dad injured in an auto accident in December, wants to make it legal space. **2.** Laurence Kornfield, Chief Building Inspector, DBI, said he had little to add, that the permit is for the removal of an illegal basement kitchen which converts the building back to its lawful two-family use. He explained that creation of a third unit made the building an apartment house and triggered many additional requirements.

(B) **APPEAL NO. 00-072**

VICTORIA ESMAS, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1465 – 14th Avenue.
[Imposition of Penalty on May 15, 2000.
[APPLICATION NO. 9919282.
[FOR HEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellant at the hearing.

(6) **APPEAL NO. 00-057**

SAWYER & GINETTE TERRELL, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2037 Hyde Street.
[Protesting issuance on April 7, 2000, to
[Jacques Janot, permit to Alter a Building
[(create three-foot high concrete deck in
[rear yard).
[APPLICATION NO. 2000/03/24/5368.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum was absent) to **GRANT** the permit on **CONDITION** that the top 1 foot of the 6 foot fence be lattice, and on further **CONDITION** that the top 1 foot of the guard rail also be lattice.

SPEAKERS: **1.** Sawyer Terrell, appellant, asked that a portion of the proposed deck be removed so that it would not be so close to his house, and that the fence should remain at six feet. **2.** Terrance Marseille, owner of the property at 1824 Allen Street, showed four photos of the subject rear yard and explained the history of its development. He fears the work on the project will result in the creation of an illegal unit.
3. William Heijn, architect for the permit holder, showed photos of the deck and fence and explained that decks three feet or less above grade are permitted in rear yards under the Planning Code and fences six feet or less in height are permitted without permits under the Building Code. He said the plan is to landscape the yard; the railing on the deck must be 42 inches in height under the Building Code. **No Public Comment for Either Side.** **4.** Jacques Janot, permit holder, in rebuttal described how the dirt was added to the yard and how the retaining wall keeps it in the yard. **5.** Larry Badiner, Zoning Administrator, explained Planning Code provisions regarding decks and fences in rear yards.
6. Laurence Kornfield, Chief Building Inspector, DBI, in answer to a Board question said that lattice work for the top foot of a six foot high fence was permitted by the Building Code and was not an issue.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 7, 2000

(7) **APPEAL NO. 00-059**

KATHRYN L. ANDERSON, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[347A Masonic Avenue.
[Protesting issuance on April 4, 2000, to
[John Mallory, permit to Alter a Building
[(relocate wall between unit and garage;
[level floor; change sink/wash basin
[location; add electrical fixtures; remove
[illegal unit and revert to original use).
[APPLICATION NO. 2000/02/23/2634.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum was absent) to **GRANT** the permit on **CONDITION** that the subject wall be relocated to the original location as on the sub-division map, and on further **CONDITION** that all bathrooms, sinks and kitchens built in the storage area be removed.

SPEAKERS: **1.** Christopher Visher, attorney for and husband of appellant, said he and his wife live in the upper of the two condos and the permit holder in the lower one, where he had created a rental unit without permission of the condo association. The matter had been sent by the Building Inspection Commission to the City Attorney and the permit holder had stipulated to a preliminary injunction requiring removal of the unit. He said the plans did not comply with the stipulated injunction. He said the permit holder had not discussed the plans with his wife and him and that they failed to meet the CC and R's. He described the problems with tenants over the years and how the parking scheme had been obstructed for the tandem space. **2.** George Cresson, agent for permit holder, said that the court had said the permit holder must go back to the original use or he must legalize the existing use. He admitted that the wall had to be moved to allow the tandem parking space. He said the permit holder has a right to the common areas under an agreement with the appellant, though she was not honoring it, and the CC & R's do allow the lower unit to have habitable space in its lower portion if the Codes permit it. **No Public Comment for Either Side.** **3.** Laurence Kornfield, Chief Building Inspector, DBI, said that the plans had been signed, stamped and approved but he noted that they failed to relocate the wall which is a violation of the injunction. **4.** Larry Badiner, Zoning Administrator, said that the stairway encroachment on the parking space may be a problem, and that Planning prefers that stairs be within the storage area instead of in the garage. He said that the department's "Room-Down Matrix" would allow the stairs to lessen the likelihood of the creation of an illegal unit in the basement, and would permit a half-bath too. **5.** Laurence Kornfield said that nothing in the Building Code prohibits the stairs.

(8) **APPEAL NO. V00-062**

JOSEPHINE FRENDO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[201 Mansell Street.
[Denial on April 14, 2000, of Minimum
[Lot Area and Rear Yard Variances
[(subdivide an existing 25 x 170-foot
[deep lot into two lots, resulting in an
[existing one-story over garage, single
[family dwelling and creation of a vacant
[and buildable lot with proposed
[construction of a new two-story over
[garage, two-bedroom, single-family
[dwelling on separate lots.
[VARIANCE CASE NO. 99.136V.
[FOR HEARING TODAY.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 7, 2000

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum was absent) to **UPHOLD** the Zoning Administrator's denial of the variance.

SPEAKERS: **1.** Larry Badiner, Zoning Administrator, explained that the variance was denied because of the lack of hardship and disruption of the lot pattern on the block. The proposed new lot would be less than the 1750sf necessary under the Code. **2.** Van Ly, architect for appellant, said that the lot is 170 feet long and was originally three lots that were merged. Her client wants to split it into two, so that a house can be built on the new vacant one. She indicated that there was no opposition at the subdivision hearing and that no one would be disrupted by the project because of the lot slope. **Public Comment for the Zoning Administrator:** **3.** Brian Bidinger, a neighbor, said he agrees with all the arguments opposing the variance, and explained the history of the lot and Mansell Street. **4.** Manuel Gutierrez said it would be dangerous to build a house on the vacant proposed lot. **5.** John Soe said he was the new owner of one of lots behind the subject lot and that he would lose a view of the bay if a house were built.

There being no further business, President Chin adjourned the meeting at 8:21 p.m.

Arnold Y. K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 14, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION:

ITEM A: 787 Castro Street. Letter from Jeffrey W. Adams requesting that the Board take jurisdiction over Building Permit Application No. 2000/04/21/7945 issued to Sarah Smith and Greg Smirin for restoration of legal occupancy (remove illegal unit, second kitchen and occupancy separation).

Date issued	April 21, 2000
Last day to appeal	May 8, 2000
Request for jurisdiction	May 26, 2000

ADOPTION OF FINDINGS:

ITEM B: 3015 Washington Street. Appeal 00-029, Elizabeth Collet vs. Department of Building Inspection, Planning Department disapproval. Hearing May 17, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0 (Vice President Saunders absent) to **OVERRULE** the Planning Department and **GRANT** the permit on **CONDITION** that the deck be pulled back six inches, with Section 311 and Prop M **FINDINGS** from the Planning staff report which were incorporated by reference.

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 00-065**

BOSQUE & SMITH, LLC, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[993 Tennessee Street.
[Denial on April 13, 2000, of permit to
[Demolish a Building (plumbing storage
[shed).
[APPLICATION NO. 9826501.
[FOR HEARING TODAY.

(4B) **APPEAL NO. 00-066**

BOSQUE & SMITH, LLC, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[993 Tennessee Street.
[Denial on April 13, 2000, of permit to
[Erect a Building (10 live/work units).
[APPLICATION NO. 9826500S.
[FOR HEARING TODAY.

Items (5A) and (5B) and (5C) shall be heard together

(5A) **APPEAL NO. 00-067**

NATHALIE M. WONG, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[768 El Camino Del Mar.
[Protesting issuance on April 14, 2000, to
[Barry and Lizanne Rosenstein, permit to
[Alter a Building (remove front fence;
[remove backfill against failing retaining
[wall at rear yard).
[APPLICATION NO. 2000/04/14/7245.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 00-068**

NATHALIE M. WONG, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[768 El Camino Del Mar.
[Protesting issuance on April 17, 2000, to
[Barry and Lizanne Rosenstein, permit to
[Alter a Building (remove fence/wall from
[perimeter of property).
[APPLICATION NO. 2000/04/17/7403.
[FOR HEARING TODAY.

(5C) **APPEAL NO. 00-081**

NATHALIE M. WONG, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[768 El Camino Del Mar.
[Protesting issuance on May 15, 2000, to
[Barry & Lizanne Rosenstein, permit to
[Alter a Building (extensive interior
[remodeling to both floors and basement,
[relocating of garage, and horizontal
[extension to basement, first and second
[floors).
[APPLICATION NO. 9920588S.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-075**

QIONG XIAN MAI, et al., Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[75B and 75 Lynch Street.
[Protesting issuance on May 4, 2000, to
[James Byrne, permit to Alter a Building
[(remove two illegal units in basement
[and convert to storage space only).
[APPLICATION NO. 2000/05/04/9072.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

(7A) **APPEAL NO. 00-078**

JOHN K. SMITH, Appellant
vs.
PLANNING COMMISSION, Respondent

[535 Mission Street.
[Appeal of Condition 3A(4) based on
[Finding 6A of Planning Commission
[Motion 15,026 adopted April 13, 2000
[requiring the project sponsor of the 24-
[story office building project to pursue
[with due diligence the required City
[approvals for closure of Shaw Alley from
[11:00 a.m. to 2:00 p.m. Monday through
[Friday as part of its open space
[requirement.
[CASE NO. 1998.766X.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 00-079**

JOHN K. SMITH, Appellant
vs.
PLANNING COMMISSION, Respondent

[535 Mission Street.
[Appeal of findings and conditions set
[forth in Planning Commission Motion
[15,027 authorizing a 24-story office
[building and incorporating by reference
[all findings and conditions of Motion
[15,026 requiring the project sponsor to
[pursue with due diligence all required
[City approvals for closure of Shaw Alley
[from 11:00 a.m. to 2:00 p.m. Monday
[through Friday as part of its open space
[requirement.
[CASE NO. 1998.766B.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catheri Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possibl

Minutes of the hearing are available in alternative formats. If you require the use of a reader duri the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relat disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In ord to assist the City's efforts to accommodate such people, attendees at public meetings are remind that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mark Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessib services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people a that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francis Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, S Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-m **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that t may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 14, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Allam El Qadah and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney; Larry Badiner, Zoning Administrator, Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

ABSENT: Commissioner Carole Cullum.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

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(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION:

ITEM A: 787 Castro Street. Letter from Jeffrey W. Adams requesting that the Board take jurisdiction over Building Permit Application No. 2000/04/21/7945 issued to Sarah Smith and Greg Smirin for restoration of legal occupancy (remove illegal unit, second kitchen and occupancy separation).

Date issued	April 21, 2000
Last day to appeal	May 8, 2000
Request for jurisdiction	May 26, 2000

ACTION: Upon motion by Commissioner McInerney, the Board voted 2-2-1 (Vice President Saunders & Commissioner El Qadah dissented, Commissioner Cullum was absent) to **DENY** the request for jurisdiction. 4 votes being necessary to grant a request for jurisdiction, the request was **DENIED**.

SPEAKERS: 1. Jeffrey Adams, requestor, submitted a letter to him that admits he was not served with notice of permit issuance until half the appeal period had elapsed and that he felt that fairness required that he be allowed to file an appeal late. He said a lay person has a different sense of time than a lawyer. **2.** Andrew Zacks, attorney for the permit holder, described the specific steps he had taken to give notice to the requestor above and beyond the legal requirements and that he felt the law does not authorize the Board to allow a late filing under these circumstances.

ADOPTION OF FINDINGS:

ITEM B: 3015 Washington Street. Appeal 00-029, Elizabeth Collet vs. Department of Building Inspection, Planning Department disapproval. Hearing May 17, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0 (Vice President Saunders absent) to **OVERRULE** the Planning Department and **GRANT** the permit on **CONDITION** that the deck be pulled back six inches, with Section 311 and Prop M **FINDINGS** from the Planning staff report which were incorporated by reference.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0-1 (Commissioner Cullum was absent) to **ADOPT** the findings.

SPEAKERS: None.

Items (4A) and (4B) were heard together

(4A) **APPEAL NO. 00-065**

BOSQUE & SMITH, LLC, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[993 Tennessee Street.
[Denial on April 13, 2000, of permit to
[Demolish a Building (plumbing storage
[shed).
[APPLICATION NO. 9826501.
[FOR HEARING TODAY.

(4B) **APPEAL NO. 00-066**

BOSQUE & SMITH, LLC, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[993 Tennessee Street.
[Denial on April 13, 2000, of permit to
[Erect a Building (10 live/work units).
[APPLICATION NO. 9826500S.
[FOR HEARING TODAY.

ACTION: The Executive Secretary polled the Board on whether they had reviewed and considered the environmental review document and all answered "Aye." Afterwards, upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum was absent) to **OVERRULE** the Planning Department on both matters and **GRANT** the demolition permit, and **GRANT** the site permit with the original height of 49' 10" to be reinstated, with Prop. M **FINDINGS** from the Planning staff report to be incorporated by reference, and with Negative Declaration **FINDINGS** read into the record by Commissioner McInerney.

SPEAKERS: **1.** Larry Badiner, Zoning Administrator, responded to a recent letter he received concerning his advocacy for the Commission. He described the Planning Commission's findings and decision to require the revision to plans to lower the roof 4' 10" in order for the project to be in character and scale with the neighborhood. **2.** Alice Barkley, attorney for appellant, described the proposed project and argued that the original height is appropriate given the context and explained how the architect had worked with the neighbors to design an appropriate building. **Public Comment for the Planning Commission:** **3.** Steve Williams, attorney for neighbors, explained that the Planning Commission had approved the project, not denied it, asking only that the height of the roof be reduced 4' 10" which the developer was not willing to do. He also explained the resolutions of policy regarding live-work projects and that the department has not yet delivered the design guidelines called for by the Commission. He said the design should have been cut down 10' to make it compatible with the neighborhood. **4.** Rob Anderson, President of the Dogpatch group, said that the talented architect had ignored the scale of the neighborhood from the start and that he hoped the Board would do what it had done on the Minnesota Street project, that is, lower the roof line. **5.** Paul Zingaro of 999 Tennessee said the proposed building should be a compromised height and not the tallest building. He felt the developers would benefit from a lower roofline and that the design changes made so far were unsolicited by the neighbors. **6.** Constance Channon of 999 Tennessee urged the Board to uphold the Commission action since this was a pivotal property between commercial and residential areas and that lowering the height 4' 10" was not asking much. **7.** Meb Gordon said she had met with the architect/developer several times and height was the only issue. She had analyzed the 1998 and 1999 versions of the plans and found that the later plans were for a larger building. **8.** Steve Griffith said that the Planning staff had taken into account the whole area, while the Commission had looked at the block only in requiring the lowering of the height of the project. He said the architect was great and could deal with the slightly lowered height. **9.** Surma Mauro said her live-work building was 39 feet tall and the proposal would be 11' higher and out of scale. **10.** Bruno Mauro said the dialog between neighbors and the architect was not authentic and that the architect was inflexible on the height issue. **11.** Anna Dominski showed a March newspaper article about Dogpatch and said it had been wonderful to win at the Planning Commission which usually would not have given consideration to a neighborhood. She said the rendering was not accurate, and since the site was in the heart of Dogpatch the Board should help preserve this old neighborhood by upholding the Commission. **12.** Mark Gordon, a local neighbor, quoted from the interim zoning controls for live-work projects and said the key issue was the scale of the project. **13.** Janet Carpinelli said that this case could be precedent setting. She described how the zoning had changed in Dogpatch and that she supported a reasonable compromise on the height of the project. The 50' height does not work and will ruin the neighborhood and their quality of life as far as privacy goes. **14.** Roy Neyhart lives at 1042 Tennessee and has seen two generations of change in the area and the slow whittling away of the row of residences. He said we've got to hang on to what little we have left, and keep the small structures or they will become extinct. **15.** Rex Jones joined in urging the denial of the appeal. **16.** David Siegel of 917 Minnesota described the Dogpatch area of five blocks which is easy to impact with a new building. He wants the spirit of compromise and the lowering of the height by 5'. He said 20% of families of the area were in the audience and he hopes the Board would respect their views. **17.** Tony Dominski of 1004 Tennessee said the proposed building will have an overwhelming impact on the neighborhood. He showed on a map of the area which owners support the Planning Commission's action. He said he had done an exact rendering himself and that the developer's rendering was not accurate. **18.** Christopher Cole lives on deHaro Street and that this was a Potrero Hill and Citywide issue and he showed pictures of proposals which had been disapproved, one of which resulted in the building of a successful one-family house, showing that requiring projects to be in context was in the interest of the developers as well as the neighbors. **Public Comment in Support of the Appellant:** **19.** Joe O'Donoghue of the Residential Builders said that this architect was internationally recognized and quoted Yeats who said "my thoughts are pillars which passing dogs defile," to describe the architect's feelings of having his plans revised by the Planning Commission. He said the project had been reduced in size since 1998 since it had been 12 units and was now 10 units. **20.** Anne Subercaseaux described the area as a mixed one and said she wants to live in it since it was attractive to a designer. She said the architect had made adjustments to to assist the City's efforts to accommodate such

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 14, 2000

the plans and had scaled it down. She thought the café idea was a good one. **21.** Mike Mood describe the character of the area and said the architect had made compromises and that the glass façade allow light and is not massive. **22.** John Norton said he was looking for a place to live and the propose building would meet his needs as a writer without a car who needs to be near a Caltrain station. H thought the design will enhance the neighborhood. **23.** Kerry Mellor, a designer, said that the roo elements of the design serve all the parties and that the proposal was gorgeous. **24.** Carolina Tapia sai she supports the architect's projects and believes that the Dogpatch association does not speak for a those who live there. She feels the proposal is good for the neighborhood. **25.** Mark Donohue, a architect, said he feels that the proposed design gives the area character with an openness that is goo for the neighborhood. He thought the shape of the roof is unique and brings down the scale and tha renderings are always disputed.

Items (5A) and (5B) and (5C) were heard together

(5A) **APPEAL NO. 00-067**

NATHALIE M. WONG, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[768 El Camino Del Mar.
[Protesting issuance on April 14, 2000, to
[Barry and Lizanne Rosenstein, permit to
[Alter a Building (remove front fence;
[remove backfill against failing retaining
[wall at rear yard).
[APPLICATION NO. 2000/04/14/7245.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 00-068**

NATHALIE M. WONG, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[768 El Camino Del Mar.
[Protesting issuance on April 17, 2000, to
[Barry and Lizanne Rosenstein, permit to
[Alter a Building (remove fence/wall from
[perimeter of property).
[APPLICATION NO. 2000/04/17/7403.
[FOR HEARING TODAY.

(5C) **APPEAL NO. 00-081**

NATHALIE M. WONG, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[768 El Camino Del Mar.
[Protesting issuance on May 15, 2000, to
[Barry & Lizanne Rosenstein, permit to
[Alter a Building (extensive interior
[remodeling to both floors and basement,
[relocating of garage, and horizontal
[extension to basement, first and second
[floors).
[APPLICATION NO. 9920588S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum wa absent) to **GRANT** all three permits.

SPEAKERS: **1.** Bijal Patel, attorney for appellant, said that the issue was that the three permits appealed failed to meet CEQA requirements and no environmental review had been done by Planning. She requested an analysis of all the permits in light of the steepness of the site and the potential impacts of the projects on her client's property next door. **2.** Olle Lundberg, a civil engineer for the appellant, said that he had concerns about the retaining wall between the properties which had a history of catastrophic failures. **3.** John Ware, a civil engineer for appellant, said that he had concerns about the overall poor quality of the property line walls, the steep slope of the area, and the proposal to extend to the rear. **Public Comment in Support of the Appellant:** **4.** Lester Garrison on behalf of a neighbor who had spent $1.6 million since 1989 restoring her building described the soil conditions and asked for documents regarding what is going to be done and for a suspension until his client has appealed the latest permit. **5.** John Sanger, attorney for permit holders, addressed the CEQA issue and said that all the permits were categorically exempt from environmental review. He described the work proposed and said he was unable to reach a settlement with the appellant. **6.** Larry Badiner, Zoning Administrator, said that the department had twice reviewed the permits and found them to be categorically exempt from CEQA requirements. **7.** Laurence Kornfield, Chief Building Inspector, DBI, said that he had reviewed the permits and there were no structural issues in the two over-the-counter permits for which no plans are needed under the Code.

(6) **APPEAL NO. 00-075**

QIONG XIAN MAI, et al., Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[75B and 75 Lynch Street.
[Protesting issuance on May 4, 2000, to
[James Byrne, permit to Alter a Building
[(remove two illegal units in basement
[and convert to storage space only).
[APPLICATION NO. 2000/05/04/9072.
[FOR HEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellants at the meeting.

SPEAKERS: None.

Items (7A) and (7B) were heard together

(7A) **APPEAL NO. 00-078**

JOHN K. SMITH, Appellant
vs.
PLANNING COMMISSION, Respondent

[535 Mission Street.
[Appeal of Condition 3A(4) based on
[Finding 6A of Planning Commission
[Motion 15,026 adopted April 13, 2000
[requiring the project sponsor of the 24-
[story office building project to pursue
[with due diligence the required City
[approvals for closure of Shaw Alley from
[11:00 a.m. to 2:00 p.m. Monday through
[Friday as part of its open space
[requirement.
[CASE NO. 1998.766X.
[FOR HEARING TODAY.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 14, 2000

(7B) **APPEAL NO. 00-079**

JOHN K. SMITH, Appellant
vs.
PLANNING COMMISSION, Respondent

[535 Mission Street.
[Appeal of findings and conditions set
[forth in Planning Commission Motion
[15,027 authorizing a 24-story office
[building and incorporating by reference
[all findings and conditions of Motion
[15,026 requiring the project sponsor to
[pursue with due diligence all required
[City approvals for closure of Shaw Alley
[from 11:00 a.m. to 2:00 p.m. Monday
[through Friday as part of its open space
[requirement.
[CASE NO. 1998.766B.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-0-1 (Commissioner Cullum was absent) to **GRANT** both permits with the **CONDITIONS** stipulated in the principals' agreement.

SPEAKERS: None.

There being no further business, President Chin adjourned the meeting at 8:40 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415 362-5991.

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Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

8/00

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 28, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND THE 15-DAY APPEAL PERIOD:

ITEM A: 3155 Scott Street. Letter from Yasin A. Salma, requesting that the Board take jurisdiction over Building Permit Application No. 2000/02/03/964 issued to Sailing Billboards Outdoor Media to erect a 288 square foot painted wall sign.

Date issued	February 3, 2000
Last day to appeal	February 18, 2000
Request for jurisdiction	June 1, 2000

ITEM B: 679 - 35th Avenue. Letter from Steve Dupree, requesting that the Board take jurisdiction over Building Permit Application No. 2000/4/21/7943 issued to Johnny Tan for the removal of an illegal unit.

Date issued	April 21, 2000
Last day to appeal	May 8, 2000
Request for jurisdiction	June 12, 2000

REQUEST FOR REHEARING:

ITEM C: 361 Lombard Street. Letter from Laurence Kornfield, Chief Building Inspector, DBI, requesting rehearing of Appeal No. 00-003, heard May 31, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the permit with **FINDINGS** and the following **CONDITIONS:** the metal pipes in the subject light well be painted a light color and a lattice fence no more than six feet in height be installed in the light well to cover up the metal pipes.

ADOPTION OF FINDINGS:

ITEM D: 361 Lombard Street. Adoption of Findings for above.

REQUEST FOR REHEARING:

ITEM E: 1900 Van Ness Avenue. Letter from George Speir, attorney for Outdoor Systems Advertising, appellant, requesting rehearing of Appeal 00-031, heard May 31, 2000. Upon motion by Commissioner McInerney, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner Cullum dissented) to **UPHOLD** the suspension of the permit to reduce and reinstall billboard. Four votes are necessary to overturn any departmental action and the suspension was **UPHELD**.

Items (4A), (4B) and (4C) shall be heard together

(4A) **APPEAL NO. 00-085**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealling conditions placed on Place of
[Entertainment permit granted May 24,
[2000 regarding extending permits to
[ground and upper levels; extending
[hours Sunday to Wednesday to 4:00
[a.m. and Thursday to Saturday to 6:00
[a.m.; allowing patrons to enter until
[closing; and not limiting to only three
[times a year after hours operation
[Sunday to Thursday.
[PERMIT NO. 99494.
[FOR HEARING TODAY.

(4B) **APPEAL NO. 00-086**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealling conditions placed on Dance
[Hall Keeper/After Hours permit granted
[May 24, 2000.
[PERMIT NO. 99493.
[FOR HEARING TODAY.

(4C) **APPEAL NO. 00-087**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealling conditions placed on
[Extended-Hours Premises permit
[granted May 24, 2000.
[PERMIT NO. 99495.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 00-046**

JOSEF D. COOPER & TRACY C. KIRKHAM,
Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1432-34 Kearny Street.
[Protesting issuance on March 18, 2000,
[to Nathan and Nan Roth, permit to
[Demolish a Building (garage).
[APPLICATION NO. 9621909.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 00-047**

JOSEF D. COOPER & TRACY C. KIRKHAM,
Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1432-34 Kearny Street.
[Protesting issuance on March 18, 2000,
[to Nathan and Nan Roth, permit to Erect
[a Building (three-story two-unit residence).
[APPLICATION NO. 9621910S.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-061**

MARK & MARY LIPIAN, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[290 Union Street.
[Protesting issuance on April 7, 2000, to
[Tribecca Properties LLC, permit to Alter
[a Building (revision to site plan to show
[existing windows at 1304-1/2
[Montgomery Street, fire staircase and
[balcony at 290 Union Street).
[APPLICATION NO. 2000/04/07/6744.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-071**

WINNIE YAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1150 Gilman Avenue.
[Protesting issuance on May 2, 2000, to [Francisco Olla, permit to Alter a Building [(legalize ground floor space; rear [addition to upper and lower floors; build [deck over existing roof).
[APPLICATION NO. 9817361S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-064**

RUSSIAN HILL NEIGHBORS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[1480 Broadway Street.
[Determination reissued April 10, 2000 of [the Zoning Administrator that the [parking lot is a legal permitted [conditional use which may continue to [operate under Planning Code Section [178(b) for the reason it existed prior to [the creation of the Polk Street [Neighborhood Commercial District.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

ANNETTE SNYDER - OFFICIAL COURT REPORTER 362-5991

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people an that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Tas Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, Sa Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mai **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of th Sunshine Task Force, the San Francisco Public Library, and on the City's web site a **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individual and entities that influence or attempt to influence local legislative or administrative action that the may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, fa (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JUNE 28, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney; Larry Badiner, Zoning Administrator (ZA), Planning Department; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); and Robert Feldman, Executive Secretary for the Board.

Annette Snyder, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** August Longo spoke in support of the ZA's determination and Walgreen's proposed relocation of Appeal 00-064, item 8 on the calendar, for the reason he had a meeting to attend and could not wait for the item to be called. **2.** Walter Johnson of the Labor Council spoke in support of the ZA's determination of Appeal 00-064 also. **3.** Robert "Woody" Woodall stood in support of the ZA's determination in Appeal 00-064 and left the room before the item was called.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: **1.** The Executive Secretary and the Board members thanked court reporter Annette Snyder for her efforts the past year and wished her well since this would be her last night as official court reporter. **2.** President Chin said that he had only 2 hours of sleep on the plane that day returning early from Hong Kong, and asked Vice President Saunders to chair the meeting.

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE**:

REQUESTS FOR JURISDICTION BEYOND THE 15-DAY APPEAL PERIOD:

ITEM A: 3155 Scott Street. Letter from Yasin A. Salma, requesting that the Board take jurisdiction over Building Permit Application No. 2000/02/03/964 issued to Sailing Billboards Outdoor Media to erect a 288 square foot painted wall sign.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 28, 2000

Date issued	February 3, 2000
Last day to appeal	February 18, 2000
Request for jurisdiction	June 1, 2000

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-2 (President Chin & Commissione El Qadah dissented) to **DENY** the request for jurisdiction.

SPEAKERS: **1.** Yasin Salma, requestor, explained that someone had chopped off his rooftop flue an that the permit holder had ignored his three certified letters requesting the flue be restored. **2.** Fre Campagnoli, Jr., the attorney for the property owner and the sign company, asked the Board to not allo a late filing of the appeal and described several issues in dispute between the parties. He said thes issues, including an alleged trespass, were not matters the Board could act upon.

ITEM B: 679 - 35th Avenue. Letter from Steve Dupree, requesting that the Board take jurisdiction ove Building Permit Application No. 2000/4/21/7943 issued to Johnny Tan for the removal of an illegal unit.

Date issued	April 21, 2000
Last day to appeal	May 8, 2000
Request for jurisdiction	June 12, 2000

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **GRANT** the request fc jurisdiction.

SPEAKERS: **1.** Steve Dupree, requestor, said he and his daughter live in the unit and that he had nc filed an appeal in time because of the letter he had received from the permit holder which said that th unit was to be legalized. **2.** Jeremy Paul, agent for permit holder, said that the permit had been properl issued and that he had suggested that the permit holder inform the tenant, though no notice wa required. He said there was no way to legalize this unit in this legal one-family house. **3.** Larry Badine ZA, said that the Planning staff was struggling with how to handle the removal of illegal units in light c the housing crisis, and that off-street parking variances to allow legalization was possible. He thought th Planning Commission may require Section 311 notices in the future.

REQUEST FOR REHEARING:

ITEM C: 361 Lombard Street. Letter from Laurence Kornfield, Chief Building Inspector, DBI, requestin rehearing of Appeal No. 00-003, heard May 31, 2000. Upon motion by Commissioner McInerney, th Board voted 5-0 to **GRANT** the permit with **FINDINGS** and the following **CONDITIONS:** the metal pipe in the subject light well be painted a light color and a lattice fence no more than six feet in height b installed in the light well to cover up the metal pipes.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** this matter to **July 12, 2000**.

SPEAKERS: **1.** Laurence Kornfield, CBI, DBI, reported on his review of the appeal and his conclusio that all was lawful, but that he recommended the permit holder line the proposed lath fence with a met sheet to insure that it not become a fire hazard. He said the permit holder refused to do it. He felt ther was a misunderstanding of the Board's action by the permit holder. **2.** Steve Atkinson, attorney for th permit holder, said he had not heard of the option of a non-combustible lath fence six feet by ten fee inside the lattice. He said it was not appropriate nor necessary and that it could generate a noise issue.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 28, 2000

ADOPTION OF FINDINGS:

ITEM D: 361 Lombard Street. Adoption of Findings for above.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** this matter to **July 12, 2000**.

SPEAKERS: None.

REQUEST FOR REHEARING:

ITEM E: 1900 Van Ness Avenue. Letter from George Speir, attorney for Outdoor Systems Advertising, appellant, requesting rehearing of Appeal 00-031, heard May 31, 2000. Upon motion by Commissioner McInerney, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner Cullum dissented) to **UPHOLD** the suspension of the permit to reduce and reinstall billboard. Four votes are necessary to overturn any departmental action and the suspension was **UPHELD**.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner Cullum dissented) to **DENY** the request for rehearing. 4 votes being necessary to grant a rehearing, the request was **DENIED**.

SPEAKERS: **1.** George Speir, attorney for Outdoor Systems, the appellant, requested a rehearing because he felt the Commissioners had not understood the Van Ness Avenue Special Sign District regulations which allow a sign of the type proposed. **2.** Larry Badiner, ZA, read section 607.5 of the Planning Code to the Board, the definition of free standing signs, and said the appellant can file a new permit for a new sign on the site.

Items (4A), (4B) and (4C) shall be heard together

(4A) **APPEAL NO. 00-085**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealing conditions placed on Place of
[Entertainment permit granted May 24,
[2000 regarding extending permits to
[ground and upper levels; extending
[hours Sunday to Wednesday to 4:00
[a.m. and Thursday to Saturday to 6:00
[a.m.; allowing patrons to enter until
[closing; and not limiting to only three
[times a year after hours operation
[Sunday to Thursday.
[PERMIT NO. 99494.
[FOR HEARING TODAY.

(4B) **APPEAL NO. 00-086**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealing conditions placed on Dance
[Hall Keeper/After Hours permit granted
[May 24, 2000.
[PERMIT NO. 99493.
[FOR HEARING TODAY.

(4C) **APPEAL NO. 00-087**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealing conditions placed on
[Extended-Hours Premises permit
[granted May 24, 2000.
[PERMIT NO. 99495.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **RESCHEDULE** these three matters t **July 12, 2000**, with directions to the Executive Secretary to ask the principals if they would agree to different date beyond July 12th.

SPEAKERS: None.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 28, 2000

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 00-046**

JOSEF D. COOPER & TRACY C. KIRKHAM, Appellants	[1432-34 Kearny Street. [Protesting issuance on March 18, 2000, [to Nathan and Nan Roth, permit to [Demolish a Building (garage). [APPLICATION NO. 9621909. [FOR HEARING TODAY.
vs.	
DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	

(5B) **APPEAL NO. 00-047**

JOSEF D. COOPER & TRACY C. KIRKHAM, Appellants	[1432-34 Kearny Street. [Protesting issuance on March 18, 2000, [to Nathan and Nan Roth, permit to Erect [a Building (three-story two-unit residence). [APPLICATION NO. 9621910S. [FOR HEARING TODAY.
vs.	
DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	

ACTION: Upon motion by President Chin, the Board voted 5-0 to **CONTINUE** these two matters to **July 19, 2000**, with no additional public testimony.

SPEAKERS: **1.** Tracy Kirkham, co-appellant, explained that she was about to put two nearly built units on the market and that the permit holders' permit was illegal in that its underpinning plan did not have permission. She wanted the Board to disapprove the permits so the process would be repeated while she sells her properties. She wants to avoid a hole in the ground next to her units. **2.** Steve Atkinson, attorney for permit holders, said that the finest engineers were working on the shoring plan and he suggested the Board approve the permits on condition that any revisions to the underpinning plan be appealable to the Board. **3.** Loring Wylie, structural engineer for the permit holders, said he had designed for the highest level of safety, or he could do a plan for the Roth's property alone which would provide safety, with some settlement. **4.** Laurence Kornfield, CBI, DBI, said that the underpinning plan would be under a separate alteration permit, not under the site permit. He said the engineers were the best. He said this type of dispute is usually handled by the parties and not the City. **5.** Judith Boyajian, Deputy City Attorney, said that addenda to site permits are not appealable to the Board, but a new alteration permit for a shoring plan would be. **6.** Larry Badiner, ZA, said that Planning requires that a demolition permit be accompanied by a permit for a replacement structure, to avoid a hole in the ground. **7.** Elizabeth England, attorney for the permit holders, said it is difficult to schedule contractors now under indefinite conditions, as well as insurance, and bids on other things. They may need sixty days to do the sequencing plans.

(6) **APPEAL NO. 00-061**

MARK & MARY LIPIAN, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[290 Union Street.
[Protesting issuance on April 7, 2000, to
[Tribecca Properties LLC, permit to Alter
[a Building (revision to site plan to show
[existing windows at 1304-1/2
[Montgomery Street, fire staircase and
[balcony at 290 Union Street).
[APPLICATION NO. 2000/04/07/6744.
[FOR HEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellants prior to hearing.

(7) **APPEAL NO. 00-071**

WINNIE YAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1150 Gilman Avenue.
[Protesting issuance on May 2, 2000, to
[Francisco Olla, permit to Alter a Building
[(legalize ground floor space; rear
[addition to upper and lower floors; build
[deck over existing roof).
[APPLICATION NO. 9817361S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 **GRANT** the permit, wi directions to the Chief Building Inspector to monitor the maintenance issues on the subject property.

SPEAKERS: **1.** Winnie Yan, appellant, speaking Chinese through interpreter Dorothy Wong, said th the permit holder's house was creating humidity that is making her children sick and that it held an illeg kitchen whose smoke disturbed her family and several other problems with the project. She asked tl Board to disapprove the permit to stop the noise and loss of her privacy. She said that the permit hold had lied. **2.** Claire Pilcher, attorney for the permit holder, said that the permit was to legalize the wo done and that the illegal windows would be removed. She said her clients were trying to be goo neighbors to Ms. Yan and she listed the revisions made voluntarily to suit the neighbors. She said h client's house could not cause humidity since the yard was full of sunshine as in the photograph and th air can circulate between the houses. **3.** Larry Badiner, ZA, said the case was essentially as Ms. Pilch presented it, and that the permit complies with the Planning Code which allows 75% of the lot buildable area. He said the project was in scale with the neighborhood and that any construction w block some sunlight. He said dampness was seldom an issue at Planning. **4.** Laurence Kornfield, CE DBI, said that the holes in the building would have to be plugged up, and that each property must provi its own air, light and ventilation, and that pipes could run up the side of the building on the outside. Carlos Olla, son of the permit holder, said that steam comes out of the laundry not the kitchen and th they were just trying the legalize the back of their house.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JUNE 28, 2000

(8) **APPEAL NO. 00-064**

RUSSIAN HILL NEIGHBORS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[1480 Broadway Street.
[Determination reissued April 10, 2000 of
[the Zoning Administrator that the
[parking lot is a legal permitted
[conditional use which may continue to
[operate under Planning Code Section
[178(b) for the reason it existed prior to
[the creation of the Polk Street
[Neighborhood Commercial District.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the subject determination.

SPEAKERS: **1.** Larry Badiner, ZA, explained that the subject parking lot had originally been a gas station and then a CSAA lot and now would serve customers of the relocated Walgreen's and is deemed an automatic conditional use which can continue to operate. He said he used the Walgreen's lot on 24th Street as did many neighbors and he expected the same would happen here. **2.** Claire McGhee, president of the appellant group, said that they were not opposing the project in general, but were only asking for a conditional use hearing to set conditions for use of the parking lot which has served a variety of purposes during the past years. She said that the Sullivan letter last December mentioned a CU process and she was disappointed by this determination and feels she was bamboozled. **3.** Daniel Sullivan, agent for determination holder, said that when he wrote in December he did not know that the lot would be exempted from the CU process and that the Planning policy was unclear on this issue, but that all their discussions with Planning were done with open correspondence, and that he asked for a determination in November and did not receive it until March. He said his client would consider a lot operator's bid to use it at night for valet parking as discussed with Supervisor Becerril. He said that billboards were often permitted on gas station sites in NC zones as non-conforming uses, but he had not researched the two billboards on this site.

There being no further business, President Chin adjourned the meeting at 8:58 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Annette Snyder, the Official Court Reporter, (415) 362-5991.

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S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

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/12/00

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 12, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: 361 Lombard Street. Letter from Laurence Kornfield, Chief Building Inspector, DBI, requesting rehearing of Appeal No. 00-003, heard May 31, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the permit with **FINDINGS** and the following **CONDITIONS:** the metal pipes in the subject light well be painted a light color and a lattice fence no more than six feet in height be installed in the light well to cover up the metal pipes.

ADOPTION OF FINDINGS:

ITEM B: 361 Lombard Street. Adoption of Findings for above.

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: 616 Rolph Street. Letter from Judith M. West requesting that the Board take jurisdiction over Building Permit Application No. 2000/03/28/5622S issued to Xiang-Si Lei for a rear 2-1/2 story horizontal addition.

Date issued	June 2, 2000
Last day to appeal	June 19, 2000
Request for jurisdiction	July 3, 2000

ITEM D: 75B and 75C Lynch Street. Letter from Hung Yin Cheng requesting that the Board take jurisdiction over Building Permit Application No. 2000/05/04/9072 issued to Jim Byrne to remove two illegal units at basement and convert to storage only.

Date issued	May 4, 2000
Last day to appeal	May 19, 2000
Request for jurisdiction	July 3, 2000

(4) **APPEAL NO. 00-036**

MATTHEW WONG, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on March 2, 2000, of
[Taxicab Medallion No. 942.
[RESOLUTION NO. 200-17.
[FOR HEARING TODAY.

Items (5A), (5B) and (5C) shall be heard together

(5A) **APPEAL NO. 00-085**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealling conditions placed on Place of
[Entertainment permit granted May 24,
[2000 regarding extending permits to
[ground and upper levels; extending
[hours Sunday to Wednesday to 4:00
[a.m. and Thursday to Saturday to 6:00
[a.m.; allowing patrons to enter until
[closing; and not limiting to only three
[times a year after hours operation
[Sunday to Thursday.
[PERMIT NO. 99494.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 00-086**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealling conditions placed on Dance
[Hall Keeper/After Hours permit granted
[May 24, 2000.
[PERMIT NO. 99493.
[FOR HEARING TODAY.

(5C) **APPEAL NO. 00-087**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealling conditions placed on
[Extended-Hours Premises permit
[granted May 24, 2000.
[PERMIT NO. 99495.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-040**

JACQUELINE STAVI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[304 Eureka Street.
[Protesting issuance on March 10, 2000,
[to Andrew and Kathleen Lomas, permit
[to Alter a Building (remove existing non-
[complying stair and replace with
[complying stair; smoke detectors).
[APPLICATION NO. 2000/03/10/4097.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY MAY 3, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(7) **CONSENT ITEM:** With the consent of the Department of Building Inspection, the Board will proceed to vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provide for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(A) **APPEAL NO. 00-091**

NINA KITOVER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[108 Monterey Blvd.
[Appeal for Refund of Penalty imposed
[on June 19, 2000.
[APPLICATION NO. 2000/04/21/7902.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-076**

PAUL McKENNA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[5301 Mission Street.
[Protesting issuance on May 8, 2000, to
[Main-Kai Liu, permit to Erect a Building
[(three-story five-unit dwelling).
[APPLICATION NO. 9914207.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-100**

LISLE & ROSLYN PAYNE, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[3630 Jackson Street.
[Protesting issuance on June 14, 2000, [to Garrett and Lori Van Wagoner, permit [to Alter a Building (new bay window at [rear façade first floor and balcony [above).
[APPLICATION NO. 9909429S.
[FOR HEARING TODAY.

(10) **APPEAL NO. 00-028**

JANE SEGAL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2940 Folsom Street.
[Determination by the Zoning Admin-[istrator dated February 11, 2000, that [the establishment of a commercial [kitchen with or without café is not in [conformity with the use limitations of [RH-2 zoning provisions and is not [permitted, and two-family use is [permitted, and with Conditional Use [Authorization of the Planning Commis-[sion four units could be permitted, since [the lot is 7,475 square feet in area.
[FOR HEARING TODAY.

(11) **APPEAL NO. V00-041**

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000, [to Ma Estates, Rear Yard Variance to [construct a four-car, semi-underground [garage and one-story building addition [in the required yard of a single family [dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

(12) **APPEAL NO. V00-048**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[50 Magnolia/1755 Chestnut Streets.
[Denial on March 22, 2000, of Rear Yard [Variance to relocate one dwelling unit [from the 1755 Chestnut Street building [to the existing rear carriage house at 50 [Magnolia Street by renovating and [adding a floor and roof deck to the [existing building, setting back the new [floor 15 feet from Magnolia Street; the [proposal also includes two 2'x7' [extensions into the lightwells of the [existing 1755 Chestnut Street building; [the total number of dwelling units will [remain six units.
[VARIANCE CASE NO. 99.164V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for thei presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please ca the Board office at 575-6880 for scheduling or other information during regular business hours, o visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 166 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board a the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance o development permit, you may be limited to raising only those issues you or someone else raised a the public hearing described in this notice, or in written correspondence delivered to the Board o Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant publi hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catheri Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possib

Minutes of the hearing are available in alternative formats. If you require the use of a reader duri the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relat disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In or to assist the City's efforts to accommodate such people, attendees at public meetings are remind that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mar Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessi services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franci Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e- **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individ and entities that influence or attempt to influence local legislative or administrative action that may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16. to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple contact the Ethics Commission, telephone (415) 554-9510. web site **www.ci.sf.ca.us/ethics/**, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, JULY 12, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Gerald Green, Director of Planning and Acting Zoning Administrator (Acting ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); and Robert Feldman, Executive Secretary for the Board.

Easteller Bruihl, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS:

SPEAKERS: **1.** Commissioner McInerney asked the Deputy City Attorney about a Court of Appeals case regarding a massage parlor heard by the Board. **2.** Ms. Boyajian said she would research it and report to the Board on the outcome.

(3) MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: 361 Lombard Street. Letter from Laurence Kornfield, Chief Building Inspector, DBI, requesting rehearing of Appeal No. 00-003, heard May 31, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the permit with **FINDINGS** and the following **CONDITIONS:** the metal pipes in the subject light well be painted a light color and a lattice fence no more than six feet in height be installed in the light well to cover up the metal pipes.

ACTION: This request for rehearing was **WITHDRAWN** by Laurence Kornfield, CBI, DBI, prior to consideration.

SPEAKERS: None.

ADOPTION OF FINDINGS:

ITEM B: 361 Lombard Street. Adoption of Findings for above.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **ADOPT** the findings.

SPEAKERS: None.

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: 616 Rolph Street. Letter from Judith M. West requesting that the Board take jurisdiction ove Building Permit Application No. 2000/03/28/5622S issued to Xiang-Si Lei for a rear 2-1/2 story horizonta addition.

Date issued	June 2, 2000
Last day to appeal	June 19, 2000
Request for jurisdiction	July 3, 2000

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-2 (President Chin & Commissione McInerney dissented) to GRANT the request for jurisdiction. 4 votes being necessary to grant a reques for jurisdiction, the request was **DENIED**.

SPEAKERS: **1.** Judith West, requestor, asked the Board to allow her to file late because Planning ha assured her when she went to Europe that the permit would not be issued in her absence and it was. **2.** Patrice Fambrini, agent for the permit holder, said that the requestor had failed to file twice, onc during the 30 day discretionary review period and once again during the 15 day appeal period whic ended after her return from oversees. **3.** Walter Wong, in response to a question from Commissioner E Qadah, described the design revisions made by the permit holder to accommodate the requestor.

ITEM D: 75B and 75C Lynch Street. Letter from Hung Yin Cheng requesting that the Board tak jurisdiction over Building Permit Application No. 2000/05/04/9072 issued to Jim Byrne to remove tw illegal units at basement and convert to storage only.

Date issued	May 4, 2000
Last day to appeal	May 19, 2000
Request for jurisdiction	July 3, 2000

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-2 (President Chin & Commissione McInerney dissented) to **CONTINUE** this matter to **July 19, 2000** with no additional public testimony.

SPEAKERS: **1.** Gary Chin, agent for requestor, asked the Board to allow a late filing because the Chen family never got notice of the permit affecting their unit, and they were not able to testify at the othe tenants' hearing because that appeal was withdrawn prior to hearing. **2.** Jim Byrne, permit holder, sa that the three illegal units to be removed were built without permits by the former owner and that h intended to use the space for his office since he lost his space downtown. He said he brought Cantonese speaking person to translate for the Chengs and would offer them more than he had offere the other tenant to move out. He said the Chengs knew of the issuance of the permit yet did not file A appeal. He said he had a SBA loan but his office rent was being tripled so he needed to move into h own space and that five of his six employees live in San Francisco. He agreed to continue the matter one week to try to settle it.

(4) APPEAL NO. 00-036

MATTHEW WONG, Appellant	[Revocation on March 2, 2000, of
vs.	[Taxicab Medallion No. 942.
TAXICAB COMMISSION, Respondent	[RESOLUTION NO. 200-17.
	[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin, Vice President Saunders & Commissioner El Qadah dissented) to **UPHOLD** the revocation. 4 votes being necessary to overturn any departmental action, the Taxicab Commission's decision to revoke the appellant's medallion was **UPHELD**.

SPEAKERS: **1.** Tom Owen, Deputy City Attorney representing the Taxicab Commission, said that the medallion was revoked for failure of its holder to drive the required number of shifts. The holder is a full time deputy sheriff for the City who drove five times in two and a half years when 185 shifts a year are required. **2.** Sgt. William Simpson, SFPD, Taxi Detail, said in response to Commissioner El Qadah's question that the department investigates complaints and interviews permit holders to determine the merits of the case. The evidence is given to the disciplinary body for hearing. **3.** Cindy Lee, attorney for appellant, in response to President Chin's statement that he is an adversary of her in pending litigation, said she felt there was no prejudice to her client if President Chin participated in this appeal and she wanted a full Board to consider this appeal. Her client is not an attorney and did not know of the complaint brought against him and had been denied due process by the Taxicab Commission, since he did not get the packet of materials until after the hearing. Based on case law and her client's hardships and lack of ability to understand the procedure, that the Board should overrule the Commission's action and reduce the penalty to one less harsh than revocation. **Public Comment for the City:** **4.** Ralph Jacobson, a driver for Yellow Cab, spoke in support of the City and urged the Board to support revocation for failure to drive since medallion holders know the rules when they take medallions and still fail to drive while collecting $1800 a month for use of the medallion.

Items (5A), (5B) and (5C) were heard together

(5A) **APPEAL NO. 00-085**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealing conditions placed on Place of
[Entertainment permit granted May 24,
[2000 regarding extending permits to
[ground and upper levels; extending
[hours Sunday to Wednesday to 4:00
[a.m. and Thursday to Saturday to 6:00
[a.m.; allowing patrons to enter until
[closing; and not limiting to only three
[times a year after hours operation
[Sunday to Thursday.
[PERMIT NO. 99494.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 00-086**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealing conditions placed on Dance
[Hall Keeper/After Hours permit granted
[May 24, 2000.
[PERMIT NO. 99493.
[FOR HEARING TODAY.

(5C) **APPEAL NO. 00-087**

JON T. MAYEDA, dba "CLUB MERCURY", Appellant
vs.
POLICE DEPARTMENT, Respondent

[540 Howard Street.
[Appealing conditions placed on
[Extended-Hours Premises permit
[granted May 24, 2000.
[PERMIT NO. 99495.
[FOR HEARING TODAY.

ACTION: These three matters were **RESCHEDULED** to **August 23, 2000**, prior to hearing.

SPEAKERS: None.

(6) APPEAL NO. 00-040

JACQUELINE STAVI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[304 Eureka Street.
[Protesting issuance on March 10, 2000,
[to Andrew and Kathleen Lomas, permit
[to Alter a Building (remove existing non-
[complying stair and replace with
[complying stair; smoke detectors).
[APPLICATION NO. 2000/03/10/4097.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY MAY 3, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **DENY** the alteration permit.

SPEAKERS: **1.** The Executive Secretary announced that the permit holder had withdrawn his permit. **2.** Laurence Kornfield, CBI, DBI, responded to Commissioner McInerney's question about the abandonment of an issued permit and said that there is no process for it in the Building Code except to wait for the permit to expire if it's not implemented. **3.** Kenneth Natkin, attorney for the appellant, said his client would prefer for the permit to be disapproved by the Board and that they were prepared to do whatever is required by the Department of Building Inspection. **No public comment.**

(7) CONSENT ITEM: With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(A) APPEAL NO. 00-091

NINA KITOVER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[108 Monterey Blvd.
[Appeal for Refund of Penalty imposed
[on June 19, 2000.
[APPLICATION NO. 2000/04/21/7902.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **REDUCE** the penalty to two (2) times the regular fee.

SPEAKERS: None. The appellant was present but did not speak.

(8) APPEAL NO. 00-076

PAUL McKENNA, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[5301 Mission Street.
[Protesting issuance on May 8, 2000, to
[Main-Kai Liu, permit to Erect a Building
[(three-story five-unit dwelling).
[APPLICATION NO. 9914207.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **GRANT** the permit with the **CONDITIONS** stipulated in the principals' agreement submitted by Jeremy Paul prior to hearing.

SPEAKERS: None. Jeremy Paul was present for the appellant but did not speak.

(9) APPEAL NO. 00-100

LISLE & ROSLYN PAYNE, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[3630 Jackson Street.
[Protesting issuance on June 14, 2000,
[to Garrett and Lori Van Wagoner, permit
[to Alter a Building (new bay window at
[rear façade first floor and balcony
[above).
[APPLICATION NO. 9909429S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **GRANT** the alteration permit on CONDITION that a Notice of Special Restrictions be recorded for the subject property that prohibits any door leading to the subject balcony, and that restricts the use of the subject balcony for the display of plants and for emergency egress only.

SPEAKERS: 1. Lisle Payne, co-appellant, said that he has tried to negotiate a settlement with the permit holders to no avail and thus was making a new proposal. 2. Tay Via, attorney for the appellants, introduce the new proposal which is the offer made in November 1999 by the permit holders, and she introduced Mr. Payne's architect, Douglas Thornley, to explain the proposal. 3. Douglas Thornley, architect for the appellants, said that the approved plans result in an addition creating severe privacy issues for his clients but the proposal would shorten the addition and cause no problem since it would be aligned with the Payne's rear wall. 4. Jeremy Paul, agent for the permit holders, using a PowerPoint presentation, explained that the November 1999 proposal was made in good faith by his clients but was rejected by the appellants and was now unacceptable to the permit holders. He said that there was no real privacy issues here but his clients were willing to not use the proposed balcony except for planters and emergency egress from windows with the door eliminated. He felt the appellants' proposal was ugly and not consistent with the Julia Morgan-designed house. 5. Duncan McLeod, architect for the permit holders, in response to a question from Commissioner McInerney regarding the significance of the alternative design, said that his clients intend to keep the project in architectural harmony with the Julia Morgan design, trying to blend the addition into the house so well it will not be identifiable as an addition and he emphasized that the Board has already cut the design back one foot, as well as other compromises made earlier. He said deleting the door to the balcony and using an automatic watering system for the planters on it and the windows for a secondary means of emergency egress would be acceptable to his clients. No public comment.

(10) APPEAL NO. 00-028

JANE SEGAL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2940 Folsom Street.
[Determination by the Zoning Admin-
[istrator dated February 11, 2000, that
[the establishment of a commercial
[kitchen with or without café is not in
[conformity with the use limitations of
[RH-2 zoning provisions and is not
[permitted, and two-family use is
[permitted, and with Conditional Use
[Authorization of the Planning Commis-
[sion four units could be permitted, since
[the lot is 7,475 square feet in area.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** to **July 19, 2000** with no additional public testimony.

SPEAKERS: **1.** Gerald Green, acting ZA and Planning Director, explained the issue of the determination as whether there has been continuous commercial use of the premises in this RH-2 property sufficient to deem it a lawful non-conforming use that can be used for the proposed incubator kitchen for low-income Hispanic women. He said there is not enough evidence, but that an argument can be made that the facility can be deemed a community facility that can be authorized by the Planning Commission as part of the conditional use application for the three units to be built on the site. **2.** Brett Gladstone, attorney for appellant, said the project could not be a community facility because it is intended to be for profit. The women need to make a profit to support themselves and their families. There is no Code violation here since there is evidence that the premises have been in commercial use continuously, making it a non-complying commercial use suitable for use as a for-profit incubator kitchen. Property was used as a storage facility for a contractor and as a rehearsal studio for a musician who signed a commercial lease which was submitted in evidence. The PG&E bills submitted also are evidence of continuous commercial use. A café can't be part of the project for lack of space. **3.** Jane Segal, appellant, said she bought the property with the intention of using it to benefit women in the Mission with a mixed use of residential and commercial. She rejected offers that would have meant great profits in order to go forward with the project. **Public comment for the appellant: 4.** Patricia Chang of the Women's Foundation said she had created the match for the incubator kitchen use on the premises so that women without capital could start their food businesses and become self-sufficient. **5.** Barbara Johnson said she supported the project because it would enable women to become economically self-sufficient. **6.** Mercedes Samsoras said she has been working with Latino women for ten years and in her view this was a wonderful project that deserves the Board's support. **7.** Julie Dorf, a resident at 2970 Folsom since 1989 said she strongly supports the project and welcomes it to her neighborhood. **8.** Ethelvina Sanchez translated by Elizabeth Milos said she had set up a catering business using St. Peter's Church kitchen but they had to leave and the proposed project would allow them to continue their business. **9.** Juanita Flores translated by Elizabeth Milos, said this project is very important and will allow her and other low-income women to become self-sufficient and to take care of their children without having to leave the neighborhood for work each day. **10.** Ana Vilanova translated by Elizabeth Milos said she was very happy that this incubator kitchen is to be built in the heart of the Mission. **11.** Tomoko Lipp said the project will be a great revitalizing force in the area. **12.** Trudy Martin, a homeowner and small business operator in the Mission, read to the Board a letter from Sonia Melara in support of the appeal. **Public comment in support of the ZA: 13.** Louisa Bradley said that cooking and baking businesses were out of place on this residentially zoned block, and that while the building was used for years as storage and for music practice, that it had not been commercial use. **14.** Don Bradley said he is a property owner in the area and that the neighborhood has improved a lot recently with the old bakery gone. He said the evidence of commercial use here were phony excuses and fabrications. The project is a worthy one that he would support, but no at this residentially zoned location.

(11) APPEAL NO. V00-041

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
[to Ma Estates, Rear Yard Variance to
[construct a four-car, semi-underground
[garage and one-story building addition
[in the required yard of a single family
[dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to **July 26, 2000** prior to hearing.

SPEAKERS: None.

(12) **APPEAL NO. V00-048**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[50 Magnolia/1755 Chestnut Streets.
[Denial on March 22, 2000, of Rear Yard
[Variance to relocate one dwelling unit
[from the 1755 Chestnut Street building
[to the existing rear carriage house at 50
[Magnolia Street by renovating and
[adding a floor and roof deck to the
[existing building, setting back the new
[floor 15 feet from Magnolia Street; the
[proposal also includes two 2'x7'
[extensions into the light wells of the
[existing 1755 Chestnut Street building;
[the total number of dwelling units will
[remain six units.
[VARIANCE CASE NO. 99.164V.
[FOR HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to **September 6, 2000** prior to hearing.

SPEAKERS: None.

There being no further business, President Chin adjourned the meeting at 9:14 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Easteller Bruihl, the Official Court Reporter, (415
576-0700.

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Attn: Terry Gwiazdowsky

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 19, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: 75B and 75C Lynch Street. Letter from Hung Yin Cheng requesting that the Board take jurisdiction over Building Permit Application No. 2000/05/04/9072 issued to Jim Byrne to remove two illegal units at basement and convert to storage only. Continued from July 12, 2000.

Date issued	May 4, 2000
Last day to appeal	May 19, 2000
Request for jurisdiction	July 3, 2000

ITEM B: 537 Divisadero Street. Letter from Robert Speer for the Planning Association of Divisadero Street requesting that the Board take jurisdiction over Building Permit Application No. 2000/06/09/2294 issued to Howard A. Cooper for tenant improvements.

Date issued	June 9, 2000
Last day to appeal	June 26, 2000
Request for jurisdiction	June 30, 2000

(4) **APPEAL NO. 00-028**

JANE SEGAL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2940 Folsom Street.
[Determination by the Zoning Administrator dated February 11, 2000, that the establishment of a commercial kitchen with or without café is not in conformity with the use limitations of RH-2 zoning provisions and is not permitted, and two-family use is permitted, and with Conditional Use Authorization of the Planning Commission four units could be permitted, since the lot is 7,475 square feet in area.
[PUBLIC HEARING HELD AND CLOSED JULY 12, 2000. FOR FURTHER CONSIDERATION TODAY.

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Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 00-046**

JOSEF D. COOPER & TRACY C. KIRKHAM,
Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1432-34 Kearny Street.
[Protesting issuance on March 18, 2000,
[to Nathan and Nan Roth, permit to
[Demolish a Building (garage).
[APPLICATION NO. 9621909.
[PUBLIC HEARING HELD AND
[CLOSED JUNE 28, 2000. FUR-
[THER CONSIDERATION TODAY.

(5B) **APPEAL NO. 00-047**

JOSEF D. COOPER & TRACY C. KIRKHAM,
Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1432-34 Kearny Street.
[Protesting issuance on March 18, 2000,
[to Nathan and Nan Roth, permit to Erect
[a Building (three-story two-unit resi-
[dence).
[APPLICATION NO. 9621910S.
[PUBLIC HEARING HELD AND
[CLOSED JUNE 28, 2000. FUR-
[THER CONSIDERATION TODAY.

(6) **APPEAL NO. 00-077**

HIROHIDE & JONIE TAKATSUJI, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[326 – 18th Avenue.
[Denial on May 9, 2000, of permit to Alter
[a Building (construct two-car parking
[garage with roof deck at front and
[rebuild front stairs).
[APPLICATION NO. 9914207.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-109**

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Determination by the Acting Zoning
[Administrator dated July 6, 2000
[requiring revisions to approved plans
[regarding front setback requirements.
[APPLICATION NO. 2000/02/14/1841.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 19, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Isolde Wilson, representing the Planning Department and the Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); and Robert Feldman, Executive Secretary for the Board.

ABSENT: Vice President Sabrina Saunders.

Zina Bailey, substitute for Easteller Bruihl, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Patricia Vaughey thanked the Board for denying the recent request for jurisdiction over a permit at the Edward II hotel. **2.** Joe O'Donoghue spoke in support of the permit holder Jim Byrne, an attorney for the Irish community, and asked the Board to deny the request for jurisdiction being considered under Item 3A.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: **1.** Commissioner Cullum apologized to the public and to the other Board members for being late for the meeting. **2.** Commissioner McInerney said he understood now that the Court of Appeals case he had referred to last week was a win for the City and the court had upheld the Board's decision in Chew vs. Lau. **3.** Commissioner El Qadah said he applauds Supervisor Mark Leno's efforts to remove illegal billboards in the City and he asked the Planning representative if Planning had tagged any illegal signs lately. **4.** Isolde Wilson, planner representing the Zoning Administrator said she would check with the staff and report back to the Board. **5.** Commissioner Cullum thanked Planning Director Gerald Green for his efforts regarding the women's kitchen incubator project and Jane Segal after the public hearing last week.

(3) MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: 75B and 75C Lynch Street. Letter from Hung Yin Cheng requesting that the Board take jurisdiction over Building Permit Application No. 2000/05/04/9072 issued to Jim Byrne to remove two illegal units at basement and convert to storage only. Continued from July 12, 2000.

Date issued	May 4, 2000
Last day to appeal	May 19, 2000
Request for jurisdiction	July 3, 2000

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Vice President Saunders was absent) to **DENY** the request for jurisdiction.

SPEAKERS: **1.** Jim Byrne, permit holder, reported that no agreement had been reached between him and his tenants. **2.** Gary Gin, representing the Cheng family who have requested jurisdiction over Mr. Byrne's permit, agreed that no agreement had been reached. In response to Commissioner El Qadah's question he said that Mr. Byrne had offered the Chengs more than the other tenants but that their situation was different.

ITEM B: 537 Divisadero Street. Letter from Robert Speer for the Planning Association of Divisadero Street requesting that the Board take jurisdiction over Building Permit Application No. 2000/06/09/2294 issued to Howard A. Cooper for tenant improvements.

Date issued	June 9, 2000
Last day to appeal	June 26, 2000
Request for jurisdiction	June 30, 2000

ACTION: Upon motion by Commissioner El Qadah, the Board voted 3-1-1 (Commissioner McInerney dissented, Vice President Saunders was absent) to GRANT the request for jurisdiction. 4 votes being necessary to grant a request for jurisdiction, the request was **DENIED**.

SPEAKERS: **1.** Adham Nasser for Robert Speer, the requestor, said that he was opening a vegetarian restaurant next door to the check cashing business and the latter will put his investment at risk. He said that no notice was sent by Planning that the former art gallery space would become a check cashing business, which will bring in customers from outside the area and will undercut the recent improvements to the neighborhood. **2.** David Edge, regional director of the check cashing firm which operates the business, said the business will promote the neighborhood and will look like and be operated like a bank. **3.** Laurence Kornfield, CBI, DBI, said that no notification of permit issuance is required by the Building and Planning Codes for a change in commercial use of space and permits need to be posted for the inspector and not for the public and may be posted indoors where the public can not see the permit.

DOCUMENTS DEPT

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 19, 2000

(4) **APPEAL NO. 00-028**

JANE SEGAL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2940 Folsom Street.
[Determination by the Zoning Admin-
[istrator dated February 11, 2000, that
[the establishment of a commercial
[kitchen with or without café is not in
[conformity with the use limitations of
[RH-2 zoning provisions and is not
[permitted, and two-family use is
[permitted, and with Conditional Use
[Authorization of the Planning Commis-
[sion four units could be permitted, since
[the lot is 7,475 square feet in area.
[PUBLIC HEARING HELD AND
[CLOSED JULY 12, 2000. FOR FUR-
[THER CONSIDERATION TODAY.

ACTION: This matter was **WITHDRAWN** by the appellant prior to further consideration.

SPEAKERS: None.

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 00-046**

JOSEF D. COOPER & TRACY C. KIRKHAM,
Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1432-34 Kearny Street.
[Protesting issuance on March 18, 2000,
[to Nathan and Nan Roth, permit to
[Demolish a Building (garage).
[APPLICATION NO. 9621909.
[PUBLIC HEARING HELD AND
[CLOSED JUNE 28, 2000. FOR FUR-
[THER CONSIDERATION TODAY.

(5B) **APPEAL NO. 00-047**

JOSEF D. COOPER & TRACY C. KIRKHAM,
Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1432-34 Kearny Street.
[Protesting issuance on March 18, 2000,
[to Nathan and Nan Roth, permit to Erect
[a Building (three-story two-unit resi-
[dence).
[APPLICATION NO. 9621910S.
[PUBLIC HEARING HELD AND
[CLOSED JUNE 28, 2000. FOR FUR-
[THER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Vice President Saunders was absent) to **REVOKE** both the demolition permit and the site permit.

SPEAKERS: 1. Tracy Kirkham, co-appellant, said she wanted to make a counter status report to the Board in response to the written status report submitted by the permit holders. She said the Board continued the matter to allow for negotiations on the shoring or underpinning issue and she described the history of correspondence between her and the permit holders, but that the permit holders actually have no bids and no insurance and may not intend to begin the project until next Spring, if at all, and that she still feels the best solution is for the Board to disapprove these permits and have the process start again with negotiations. She related rumors in the neighborhood regarding the permit holders' intentions to get a permit in under proposed regulations that have not been enacted. She agreed to a one week continuance. **2.** Timothy Tosta, attorney for permit holders, said that a shoring permit application is now on file and he regrets the acrimony between the parties which the Board should not have to deal with. He said that the appellants need to decide whether they prefer shoring or underpinning. He recommended the appeals be continued to allow for negotiations or that the permits be upheld contingent on proper shoring or underpinning plans being approved by DBI, and that disapproval would be an abuse of the Board's discretion. **3.** Steve Atkinson, attorney for the permit holders, added that the July 13 letter said that a commitment letter is due this week.

(6) APPEAL NO. 00-077

HIROHIDE & JONIE TAKATSUJI, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[326 – 18th Avenue.
[Denial on May 9, 2000, of permit to Alter
[a Building (construct two-car parking
[garage with roof deck at front and
[rebuild front stairs).
[APPLICATION NO. 9914207.
[FOR HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to **August 23, 2000** prior to hearing.

SPEAKERS: No

(7) APPEAL NO. 00-109

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Determination by the Acting Zoning
[Administrator dated July 6, 2000
[requiring revisions to approved plans
[regarding front setback requirements.
[APPLICATION NO. 2000/02/14/1841.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Vice President Saunders was absent) to **CONTINUE** this matter to **July 26, 2000**, with a status report at that time from the ZA as to whether an expedited variance hearing can be held, and whether the variance application fees can be waived.

SPEAKERS: 1. Isolde Wilson, planner representing the ZA, explained the facts that generated the determination and the appeal. She said the Code was clear and that the proposed bay projected into the front setback area and could not be approved unless a variance was sought and approved. She apologized for the multiple errors in reviewing the plans by the Planning staff. **2.** Mark Brady, appellant, explained how Planning had suggested the bay design and had been on the point of approving the plans when they changed their mind and would not return his calls when they disapproved his application. He said the Planning Director had told him to go to the Board. He said he has lost two contractors so far.

There being no further business, President Chin adjourned the meeting at 7:03 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 26, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING:** 347A Masonic Avenue. Letter from John Mallory, permit holder requesting rehearing of Appeal No. 00-059, heard June 7, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the permit on **CONDITION** that the subject wall be relocated to the original location as on the subdivision map, and on further **CONDITION** that all bathrooms, sinks and kitchens built in the storage area be removed.

(4) **APPEAL NO. 00-074**

EDUARDO TROZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1363 Palou Avenue.
[Denial on May 1, 2000, of permit to Alter [a Building (two-story horizontal addition).
[APPLICATION NO. 9922806S.
[FOR HEARING TODAY.

(5) **APPEAL NO. 00-109**

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Determination by the Acting Zoning [Administrator dated July 6, 2000 [requiring revisions to approved plans [regarding front setback requirements.
[APPLICATION NO. 2000/02/14/1841.
[PUBLIC HEARING HELD & CLOSED [JULY 19, 2000.
[FOR FURTHER CONSIDERATION [TODAY.

(6) **APPEAL NO. 99-200**

RALPH MAHER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation by the Taxicab Commission [on December 9, 1999, of Taxicab [Medallion No. 734.
[RESOLUTION NO. 71-99.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-092**

JACK RIPSTEEN & VANESSA MANDEL, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[309 Mississippi Street.
[Protesting issuance on June 6, 2000, to [Josephine Cangelosi, permit to Alter a [Building (add new studio at basement [level; remodel existing kitchen; add [family room and half-bath at first floor [level; add master bath and extend [master bedroom at second level; [remodel existing garage and rebuild [existing front stairs).
[APPLICATION NO. 9907551S.
[FOR HEARING TODAY.

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Items (8A) and (8B) shall be heard together

(8A) **APPEAL NO. 00-097**

CHERYL D. DuCOTE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2355 Vallejo Street.
[Protesting issuance on June 9, 2000, to
[James and Margaret Moore, permit to
[Alter a Building (extend garage forward
[nine feet; third floor addition; extend
[kitchen ten feet into back yard).
[APPLICATION NO. 9902775S.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 00-105**

DONALD & JOAN TRAUNER, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2355 Vallejo Street.
[Protesting issuance on June 28, 2000,
[to Margaret Moore, permit to Alter a
[Building (remove chimney flue on south
[side of building; remove kitchen
[skylights and juliete balconies at third
[floor façade; revision to Application No.
[9902775S to match approved set of
[plans).
[APPLICATION NO. 2000/06/28/3948.
[FOR HEARING TODAY.

(9) **APPEAL NO. V00-041**

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
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TREVOR FOOKS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[1623-1625 Noe Street.
[Zoning Administrator's determination
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[basement unit of the two-unit building
[must be removed, and with certain
[alterations the space may remain
[habitable space as part of one of the
[two lawful units.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catheri Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possibl

Minutes of the hearing are available in alternative formats. If you require the use of a reader duri the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relat disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In ord to assist the City's efforts to accommodate such people, attendees at public meetings are remind that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MU Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mar Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessib services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across P Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the pub Commissions, boards, councils and other agencies of the City and County exist to conduct people's business. This ordinance assures that deliberations are conducted before the people a that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Franci Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance T Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, S Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-m **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that t may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics/**, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, JULY 26, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Larry Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); and Robert Feldman, Executive Secretary for the Board.

Easteller Bruihl, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Barry Taranto, representing the United Taxicab Workers, urged the Board not to grant continuances to appellants in medallion revocation appeals because it allows those in violation of the taxicab rules to continue collecting $1,800.00 a month under their medallion leases. He said the Board will be getting 50 more revocation cases in the near future.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: **1.** The Executive Secretary announced that the hearing scheduled for August 9 will be cancelled for the reason that two Commissioners will be unavailable. President Arnold Chin directed that the appeals scheduled for August 9th be rescheduled to middle and late September. **2.** President Chin responded to the public comment and said it was his policy to continue matters if there is no objection, but that he regretted that all the medallions the Board authorized were not on the street serving residents and tourists.

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MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 26, 2000

(3) REQUEST FOR REHEARING: 347A Masonic Avenue. Letter from John Mallory, permit holde requesting rehearing of Appeal No. 00-059, heard June 7, 2000. Upon motion by Commissione McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the permit on **CONDITIO** that the subject wall be relocated to the original location as on the subdivision map, and on furthe **CONDITION** that all bathrooms, sinks and kitchens built in the storage area be removed.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **CONTINUE** this matter t **September 6, 2000.**

SPEAKERS: None.

(4) APPEAL NO. 00-074

EDUARDO TROZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1363 Palou Avenue.
[Denial on May 1, 2000, of permit to Alter
[a Building (two-story horizontal addi-
[tion).
[APPLICATION NO. 9922806S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **CLOSE THE PUBLI HEARING** and to **CONTINUE** this matter to **August 30, 2000**, with directions to the appellant to prepar **REVISED PLANS** that incorporate a connection on the 2nd floor between the front of the house and th subject two-story rear addition, with no additional public testimony.

SPEAKERS: **1.** Larry Badiner, ZA, described the convoluted history of the case before the Plannin Commission. **2.** Eduardo Troz, translated from the Spanish by Alberto Rios of BACA, said that he want to provide more living space in his house for his family and he apologized to the Planning Commissio and the ZA, and his staff. **3.** Armando Sandoval, architect for the appellant, said that the planning sta had approved the plans which to him was a strong point for Troz. He said that one can't tell in advanc whether illegal units are going to be created in the future. Here there is no second entrance that coul serve illegal units and the rear access is required or a room will be destroyed. **No public comment.**

(5) APPEAL NO. 00-109

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Determination by the Acting Zoning
[Administrator dated July 6, 2000
[requiring revisions to approved plans
[regarding front setback requirements.
[APPLICATION NO. 2000/02/14/1841.
[PUBLIC HEARING HELD & CLOSED
[JULY 19, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** this matter t **September 6, 2000.**

SPEAKERS: **1.** Larry Badiner, ZA, said that the proposed variance would be expedited and the fe waived as requested by the Board. **2.** Mark Brady, appellant, said he would have a variance applicatio filed by the end of the week, but that neighbors had told them he could not possibly get a variance.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, JULY 26, 2000

(6) APPEAL NO. 99-200

RALPH MAHER, Appellant
vs.
TAXI COMMISSION, Respondent

[Revocation by the Taxicab Commission
[on December 9, 1999, of Taxicab
[Medallion No. 734.
[RESOLUTION NO. 71-99.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Taxi Commission's revocation on **CONDITION** that the subject medallion be suspended for 6 months.

SPEAKERS: **1.** Tom Owen, Deputy City Attorney representing the Taxi Commission, said that the appellant was not driving at all and that he operates a restaurant and bar, and that his waybills were falsified. He said there was no progressive discipline process yet. **2.** Sgt. Vincent Simpson, Taxi Detail, SFPD, described the comprehensive audit of drivers in 1997 and said the appellant's waybills were incorrect and falsified and that the falsified records were an aggravated circumstance. **3.** Bob Moore, attorney for appellant, said that the revocation was not consistent with what his client had done and that fairness required the Board to impose a lesser penalty than revocation. He said that 112 of the 431 drivers audited were not driving full time and they were only admonished. His client for the same violation was being unfairly treated. **Public Comment for the Appellant: 4.** Craig O'Connor of National Cab Company said the appellant was a very responsible career driver and it would be a shame to lose him. It was unfair to penalize him for doing two jobs. **5.** Geraldine Armendariz said she is a neighbor of Liverpool Lil's, the appellant' s restaurant, which is run by several competent managers. She said the appellant is a decorated hero of Vietnam with a strong work ethic who supports charities and works two jobs and he was not familiar with the rules and it would be unjust to revoke his medallion. **6.** Dan Dillon said he was a friend of former Commissioner Victor Makras who had sat through many Board meetings and seen many compromises crafted. He said the appellant is currently driving and that revocation is too harsh for someone trying to work two jobs. **Public Comment for the Taxi Commission: 7.** Barry Taranto of the UTW said that someone who has held a medallion for many years knows the law and the driving requirements and he urged the Board to uphold the Taxi Commission.

(7) APPEAL NO. 00-092

JACK RIPSTEEN & VANESSA MANDEL, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[309 Mississippi Street.
[Protesting issuance on June 6, 2000, to
[Josephine Cangelosi, permit to Alter a
[Building (add new studio at basement
[level; remodel existing kitchen; add
[family room and half-bath at first floor
[level; add master bath and extend
[master bedroom at second level;
[remodel existing garage and rebuild
[existing front stairs).
[APPLICATION NO. 9907551S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to GRANT the subject permit, with **PROP M FINDINGS** read into the record by Commissioner Cullum.

SPEAKERS: **1.** Peter Ryan, attorney for appellants, said he submitted his case on the brief and that his clients were asking only for a small revision to the plans, that a 3' x 4' portion be deleted along the side property line. **2.** Larry Badiner, ZA, for the Planning Commission, described the discretionary review process and said the Commission had voted to not take the case after hearing testimony. **3.** Josephine Cangelosi, permit holder, said the attorney was asking for something different from what the appellants had asked for. She said she had offered to revise plans in exchange for the appellants not filing an appeal, but now that they filed, she withdrew her offer, since she has been greatly inconvenienced and lost rent. **4.** Luis Robles, architect for the permit holder, used an aerial photo to show that his client's house is one of only two short buildings on the block. He said the project is in character and that shadows came form taller buildings nearby and that this addition will not affect light or air to the appellants. **Public Comment for the Permit Holder: 5.** Redwood LaChapel, said that the purpose of the addition is to provide a unit for the permit holder's mother and that the permit holder had spent much money and time in this stressful process, with the neighbors trying to trash her dream.

Items (8A) and (8B) shall be heard together

(8A) **APPEAL NO. 00-097**

CHERYL D. DuCOTE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2355 Vallejo Street.
[Protesting issuance on June 9, 2000, to
[James and Margaret Moore, permit to
[Alter a Building (extend garage forward
[nine feet; third floor addition; extend
[kitchen ten feet into back yard).
[APPLICATION NO. 9902775S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the subject permit.

(8B) **APPEAL NO. 00-105**

DONALD & JOAN TRAUNER, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2355 Vallejo Street.
[Protesting issuance on June 28, 2000,
[to Margaret Moore, permit to Alter a
[Building (remove chimney flue on south
[side of building; remove kitchen
[skylights and juliette balconies at third
[floor façade; revision to Application No.
[9902775S to match approved set of
[plans).
[APPLICATION NO. 2000/06/28/3948.
[FOR HEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellants at the hearing.

SPEAKERS: **1.** Ron Kulton, speaking for appellant Cheryl DuCote, said that clearer plans were needed since the balconies that were to be eliminated are still shown on the plans he reviewed. He objects to th permit holder's attitude and unwillingness to compromise. **2.** Joan Trauner, co-appellant, said she had reviewed the plans and that her issue was the drainage since there is an acquifer under these properties and severe basement flooding requiring pumping and the project would eliminate a tree on the property line that could impact them. Also she was aware they are near a liquification area that could produce problems in a seismic event. She asked for a continuance so she could have a professional review the hydrologist's plan. **3.** Don Trauner, co-appellant, said they want the plans to be complete as to the rear deck. He said the tree's roots are deep and will affect drainage problem and he is concerned with dynamic change to the acquifer. **4.** Laurence Kornfield, CBI, DBI, said the record is complete and that the planner had signed off on the minor changes covered by the 8B permit. **5.** Scott Emblidge, attorney for the permit holders, said he felt the appeals had gotten out of hand, and that the second permit was to cover those items they had agreed to remove, so he did not understand why it had been appealed. **6.** Mark Horton, architect for the permit holders, said the project was now 60% the size of the original concept, and was 20% less that the Code allows. **7.** Jim Moore, co-permit holder, said the project was now 80% less than the original idea and that he was saddened by the opposition to the project that does not even require a variance. He said he and his wife were expecting a child and planned on adopting two more so they needed to expand the house in a modest way. **8.** Joan Trauner withdrew her appeal of the alteration permit issued June 28, 2000, since it was her intention to appeal the underlying site permit and not the permit to correct the plans. **9.** Laurence Kornfield, CBI, DBI, said that the subject property is not in the liquification area and that seismic safety is always addressed by his department for all plans, but that they have no jurisdiction over the underground spring. Drainage must be addressed with run-off to the sewer and never onto a neighbor's property. **10.** Larry Badiner, ZA, confirmed that the revisions were covered by the plans and that there is a 5'4" setback the length of the addition.

(9) APPEAL NO. V00-041

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
[to Ma Estates, Rear Yard Variance to
[construct a four-car, semi-underground
[garage and one-story building addition
[in the required yard of a single family
[dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to **August 23, 2000** prior to hearing at the request of the parties.

(10) APPEAL NO. 00-096

TREVOR FOOKS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[1623-1625 Noe Street.
[Zoning Administrator's determination
[dated June 13, 2000 that under the RH-
[2 zoning of the property, the illegal third
[basement unit of the two-unit building
[must be removed, and with certain
[alterations the space may remain
[habitable space as part of one of the
[two lawful units.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **CONTINUE** this matter to **CALL OF THE CHAIR**, with directions to the Chief Building Inspector to report to the Board on the life/safety issues of the subject illegal unit within 3 weeks.

SPEAKER: 1. Trevor Fooks, appellant, said he accepted the Board's intention to continue the appeal to the call of the chair, but that there was a lien on his property, and he wants to do work on the other part of his house for which he can not get a permit because of the existence of the illegal third unit.

There being no further business, President Chin adjourned the meeting at 8:27 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Easteller Bruihl, the Official Court Reporter, (41
576-0700.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 23, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION:

ITEM A: 4416-4418 - 19th Street. Letter from Jude and Eileen Laspa, requesting that the Board take jurisdiction over Building Permit Application No. 2000/02/07/1258 issued to Thomas E. Flinn and Kristin J. Peterson for expansion of existing recreation room and bathroom, closet addition, and new interior and exterior stairs on first floor; expand dinette area, demolish and replace existing exterior stairs on second and third floors.

Date issued	June 6, 2000
Last day to file appeal	June 21, 2000
Request for jurisdiction	July 25, 2000

ITEM B: 2855 Scott Street. Letter from Lee and Renee Novich, requesting that the Board take jurisdiction over Building Permit Application No. 2000/07/17/5315 issued to Mitch Menaged for recording drawing permit to reflect as-built conditions for Applications 2000/02/10/1622 and 2000/04/03/6162; lower roof at rear 16' of building; minor non-structural interior alterations.

Date issued	July 17, 2000
Last day to file appeal	August 1, 2000
Request for jurisdiction	August 2, 2000

ITEM C: 2836-2838 Washington Street. Letter from Rene E. Peinado, requesting that the Board take jurisdiction over determination by Gerald Green, Acting Zoning Administrator requiring revisions to Building Permit Application No. 9903501 which eliminates the illegally constructed habitable roof deck and associated rail-height walls within the required rear yard and replacement of the "existing parapet wall" designation with "remove unwarranted parapet wall at rear, replace with minimal open railing around roof decks areas NOT in required rear yard."

Date issued	July 7, 2000
Last day to file appeal	July 24, 2000
Request for jurisdiction	August 7, 2000

REQUEST FOR REHEARING:

ITEM D: 1432-34 Kearny Street. Letter from Steve Atkinson, attorney for Nathan and Nan Roth, permit holders, requesting rehearing of Appeal Nos. 00-046, 00-047. Hearing July 19, 2000. Upon motion by Commissioner Cullum, the Board voted 4-0 (Vice President Saunders absent) to **REVOKE** the demolition and site permits.

(4) APPEAL NO. 00-106

DONALD & LORI REGALIA, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[108 San Jose Avenue.
[Determination by the Zoning Administrator dated June 28, 2000 that the
[project in progress at 108 San Jose
[Avenue is suspended until revised plans
[and permit are submitted and approved
[for the staircase penthouse and the last
[10 feet of building depth is limited to a
[height of 30 feet, with Section 311
[notification requirements to be met for
[these revisions.
[APPL. NOS. 9814346S & 9922299S.
[FOR HEARING TODAY.

(5) APPEAL NO. 00-032

DAVID BAKER & JANE MARTIN, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[337-339 Shotwell Street.
[Determination by the Zoning
[Administrator dated February 16, 2000
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[workshop.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY APRIL 12, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(6) APPEAL NO. 00-116

GREGORY SMIRIN & SARA SMITH, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[787 Castro Street.
[Revocation on July 7, 2000, of permit to
[Alter a Building (restore legal
[occupancy; remove illegal unit, second
[kitchen and occupancy separation).
[APPLICATION NO. 2000/04/21/7945.
[FOR HEARING TODAY.

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JOHN L. COOPER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[2857 Divisadero Street.
[Protesting issuance on June 8, 2000, to
[Allan Kipperman, permit to Alter a
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ROBERT & BEATRICE WOOD, Appellants
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[Protesting granting on March 15, 2000,
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[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

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JOSEPH FESTINESE, Appellant
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[FOR HEARING TODAY.

(10) **APPEAL NO. 00-111**

ORCHARD HOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[665 Bush Street.
[Determination by the Zoning Administrator dated June 26, 2000 that modification of the off-street parking requirement for the proposed 10-story hotel will require conditional use authorization to modify Planning Commission Motion No. 11619 approved on March 16, 1989 and a variance from the Zoning Administrator to allow off-site parking at 750 Bush Street under a three year lease with the San Francisco Parking dba City Park.
[FOR HEARING TODAY.

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SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[450 Rhode Island Street.
[Determination by the Zoning Administrator dated June 28, 2000 that Macromedia is a business service company with some components that could be considered light manufacturing and is a permitted use in the M-1 (Light Industrial) zoning district under Planning Code Sections 222, 226 and 890.11.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF
THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 23, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioners Carole Cullum, Allam El Qadah and John McInerney.

Judith Boyajian, Deputy City Attorney; Larry Badiner, Zoning Administrator (ZA); Rafael Torres-Gil, Senior Building Inspector, Department of Building Inspection (SBI, DBI); and Robert Feldman, Executive Secretary for the Board.

Easteller Bruihl, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Rafael Torres-Gil, SBI, DBI, reported on his site visit to 1623-25 Noe Street (Appeal 00-096 at Call of the Chair) and described the violations he observed. **2.** President Chin directed him to report back in three weeks on the implementation of the safety items required and urged the sleeping room be changed to a room with windows.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKERS: **1.** President Chin requested the audience to turn off all pagers and cell phones and said he would limit public comment in items 6 and 11. **2.** Commissioner McInerney asked the City Attorney whether the Board had jurisdiction over Appeal 00-116 since it appeared to be an appeal of a determination of the Director of Building Inspection and not the Zoning Administrator. **3.** Judith Boyajian responded that the appeal was of the revocation of a building alteration permit, which is definitely under the Board's jurisdiction.

(3) MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:

REQUESTS FOR JURISDICTION:

ITEM A: 4416-4418 - 19th Street. Letter from Jude and Eileen Laspa, requesting that the Board take jurisdiction over Building Permit Application No. 2000/02/07/1258 issued to Thomas E. Flinn and Kristin J. Peterson for expansion of existing recreation room and bathroom, closet addition, and new interior and exterior stairs on first floor; expand dinette area, demolish and replace existing exterior stairs on second and third floors.

Date issued	June 6, 2000
Last day to file appeal	June 21, 2000
Request for jurisdiction	July 25, 2000

ACTION: This matter was WITHDRAWN by the requestors prior to hearing.

ITEM B: 2855 Scott Street. Letter from Lee and Renee Novich, requesting that the Board take jurisdiction over Building Permit Application No. 2000/07/17/5315 issued to Mitch Menaged for recording drawing permit to reflect as-built conditions for Applications 2000/02/10/1622 and 2000/04/03/6162; lower roof at rear 16' of building; minor non-structural interior alterations.

Date issued	July 17, 2000
Last day to file appeal	August 1, 2000
Request for jurisdiction	August 2, 2000

ACTION: This matter was **RESCHEDULED** to **September 13, 2000** prior to hearing.

ITEM C: 2836-2838 Washington Street. Letter from Rene E. Peinado, requesting that the Board take jurisdiction over determination by Gerald Green, Acting Zoning Administrator requiring revisions to Building Permit Application No. 9903501 which eliminates the illegally constructed habitable roof deck and associated rail-height walls within the required rear yard and replacement of the "existing parapet wall" designation with "remove unwarranted parapet wall at rear, replace with minimal open railing around roof decks areas NOT in required rear yard."

Date issued	July 7, 2000
Last day to file appeal	July 24, 2000
Request for jurisdiction	August 7, 2000

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **DENY** this request fo jurisdiction.

SPEAKERS: **1.** Rene Peinado, requestor, asked the Board to allow him to file late on a determination b the ZA and said the issue was clear cut and involved the interpretation of the Planning Commission. He said he did not file on time because it was a weird situation and he did not know how to appeal. **2.** Larr Badiner, ZA, said Planning had spent extensive time on this case and he urged the Board to not allow late filing. He said this was a serial permits case which the Board had earlier required to have a single set of plans and permit to cover the whole project.

REQUEST FOR REHEARING:

ITEM D: 1432-34 Kearny Street. Letter from Steve Atkinson, attorney for Nathan and Nan Roth, permi holders, requesting rehearing of Appeal Nos. 00-046, 00-047. Hearing July 19, 2000. Upon motion b Commissioner Cullum, the Board voted 4-0 (Vice President Saunders absent) to **REVOKE** the demolitio and site permits.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-1 (President Chin dissented) t **DENY** this request for rehearing.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 23, 2000

SPEAKERS: **1.** Steve Atkinson, attorney for permit holders, asked the Board to grant a rehearing to avoid the manifest injustice of its decision. He said just a single alteration was needed for the shoring or underpinning and there was no harm to the appellants. **2.** Tracy Kirkham, co-appellant, urged the Board to not grant a rehearing since there was no new evidence being offered and whatever the other side was offering could have been presented at the first hearing.

(4) APPEAL NO. 00-106

DONALD & LORI REGALIA, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[108 San Jose Avenue.
[Determination by the Zoning Administrator dated June 28, 2000 that the
[project in progress at 108 San Jose
[Avenue is suspended until revised plans
[and permit are submitted and approved
[for the staircase penthouse and the last
[10 feet of building depth is limited to a
[height of 30 feet, with Section 311
[notification requirements to be met for
[these revisions.
[APPL. NOS. 9814346S & 9922299S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the subject determination.

SPEAKERS: **1.** Larry Badiner, ZA, admitted that his department was in error as to the height of the last ten feet of the building and he withdrew that portion of the determination. He asked the Board to uphold that portion of the determination about the stairwell penthouse which he felt had not been properly noticed to the neighbors. **2.** Lori Regalia, co-appellant, described the process her family has suffered through since their house burned down and they have sought a permit to replace it. She said the delay and expense that this determination will cause could be devastating to them. **3.** Jim Keith, agent for the appellants, commended Planning for withdrawing part of its determination and explained the penthouse situation and how it is necessary for fire fighting. He said the notice given was proper and when Planning was asked if additional notification was necessary they said it was not. He displayed the final approved plans which show the penthouse. **4.** Rafael Torres-Gil, SBI, DBI, reported on his site visit to the building and said that probably only 6 inches of height could be taken off the height, since they have minimized it. **Public Comment for the ZA:** **5.** Zelko Simoni, owner of the building across the street, said he had received no notices for this project but noticed it when framing going up and it seemed huge and the penthouse would be visible from 24th Street and is obnoxious. **Public Comment for the Appellants:** **6.** Kevin Spiers said he thought the previous speaker opposed the project because he wanted to buy the land. **7.** Lynn Hazen said she is an operator of a small day care facility nearby and urged the Board to allow the appellants to complete their building. She felt the new building looks great in and out. **8.** Raquel Andreatta said she can see the building's back and urged the Board to allow its completion. **9.** Sarah Merlini said she felt the appellants should be allowed to finish their house.
10. Marjorie Escobar said the building looks fine and she asked the Board to allow it to be finished.
11. Robert Lopez said the penthouse is not blocking views and that he felt the building should be finished. **12.** Kevin Curran, a contractor, said that there is only one cry-baby but the appellants should be crying since they jumped through all the hoops and have built to the approved plans, with the City admittedly at fault. **13.** Bernie Curran said that after the tragedy that one person can get DBI to back pedal.

(5) APPEAL NO. 00-032

DAVID BAKER & JANE MARTIN, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[337-339 Shotwell Street.
[Determination by the Zoning
[Administrator dated February 16, 2000
[that denies request to designate
[combined office and storage Limited
[Commercial Use space as one
[commercial space; denies request that
[the apartment area be 375sf; denies
[request that the stables/carriage house
[footprint be reduced to its original
[dimensions of approximately 20 x 25
[feet; and denies request that the
[stable/carriage house be used as a
[workshop.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY APRIL 12, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** this matter t October **18, 2000**.

SPEAKERS: **1.** Larry Badiner, ZA, said that he would grant a variance for this case but there remaine a question of where is the original wall for the non-complying commercial space. He said he would issu a new letter to allow modification of the front of the building. **2.** Jane Martin, co-appellant, asked wha was the difference under the Code of office use and storage use and asked whether they could work o their project.

(6) APPEAL NO. 00-116

GREGORY SMIRIN & SARA SMITH, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[787 Castro Street.
[Revocation on July 7, 2000, of permit to
[Alter a Building (restore legal
[occupancy; remove illegal unit, second
[kitchen and occupancy separation).
[APPLICATION NO. 2000/04/21/7945.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-1 (Commissioner El Qadah dissented) t **OVERRULE** the revocation and **REINSTATE** the subject permit.

SPEAKERS: 1. Rafael Torres-Gil, SBI, DBI, said he had spoken to Deputy Directors Jim Hutchinson an William Wong and had visited the site. He quoted the Building Code section that allows for revocation a permit if issued in error. He said he saw a pattern of one-family use based on flooring and doorway Also, he analyzed the permit history, noting the cancellation of one in 1958 that indicated two-family us and the issuance of the same in 1959 indicating one-family use. **2.** Andrew Zacks, attorney for th appellants, gave an overview of the permit history showing the house was never anything but a lawf one-family house. **3.** Jeremy Paul, consultant to the appellants, gave his analysis of the permit histor and the use history from the Polk Directories, and the lack of any record of a parking variance that woul have been needed since 1955 to legalize a second unit. **Public Comment for DBI: 4.** Raquel Fo attorney for the upstairs tenants, said an old City map shows two addresses for this property, and that th May 31, 2000 3-R report says the lawful use is two-family. **5.** Jeffrey Adams, one of the upstairs tenant said the Board should use the old records and that the identical building next door is clearly two-famil

He said the Senior Inspector failed to mention the glazed door between the units is sealed. **6.** Jacqueline Cummings, also an upstairs tenant, said they lived in the upper unit of a two-unit building and that she was concerned the permit was based on a misrepresentation and some confusion. **Public Comment for the Appellants: 7.** Nancy Tucker, who lived in the lower unit read a letter to the Board supporting the one legal unit position and noted that the lack of insulation between the floors suggested it was always just a legal one-family. **8.** Lynne Menefee asked the Board to overrule the revocation. **9.** Ilse Cordoni said she had legalized a unit in 1978 and that she needed materials from the City but that she knows as a realtor that you can't rely on the Assessor's records as to legal use, since they are often wrong. **10.** Karen Crommie said the house is one-family and that its twin next door needed a specific permit in 1919 to add a second unit. This case is a bad precedent because a third party has had the building reclassified. **11.** Ken Gardner, a real estate broker, described the significance of the 3-R report in transactions and that here the 3-R said lawful use was a one-family house and the buyers relied on it. He said that third parties should not subvert the system. **12.** Ira Victor-Spivack said he heard about this case on the radio and by e-mail. He said the appellants are trying to bring the building back to original condition and that people depend on rules and laws and that this revocation was bad for the neighborhood and he urged the Board to allow them to do the work. **13.** Kira Eldemir said she has just changed the number of units in her building and she hoped no one would change her classification back. **14.** Marilyn Cosentino, the retired head of the Assessment Appeals Board, read a letter from the prior owners to the Board which said when they purchased the legal use was unknown but it was never a legal two-family and they wanted the Board to correct the injustice done by Building Inspection. **15.** Ed Morgan said he was concerned with the accuracy of the 3-R report since the owners proceeded in good faith and relied on the 3-R report which they are now told is not accurate. Without notification to the owner the legal use was changed. He wants to know as a taxpayer how the City will handle the liability. **16.** Tom Ramm said this was a case of reclassification to two-family use without knowledge of the owners and without meeting Code requirements. His members will now ask him how to legalize units. Should he refer them to the Tenderloin Housing Clinic? **17.** Duane Danielsen said the owners went by the book and used experts to research the permit history and are now being punished. They may be exposed to criminal charges under the Rent Ordinance. The THC used their influence to have the permit revoked. **18.** Pat Carter with the Small Property Owners supported all the previous speakers and asked the Board to correct this wrong. **19.** Sara Smith, co-appellant, thanked the Board for its patience and all those who came to support her. They are first time homebuyers who kept the tenants informed all through the process and they are shocked and surprised by what happened.

(7) APPEAL NO. 00-094

JOHN L. COOPER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[2857 Divisadero Street.
[Protesting issuance on June 8, 2000, to
[Allan Kipperman, permit to Alter a
[Building (replace existing window with
[like kind and size; change 3'-4" window
[to 5'-4" at side yard; fill existing window
[at side yard).
[APPLICATION NO. 2000/06/08/2163.
[FOR HEARING TODAY.

ACTION: This matter was WITHDRAWN by the appellant prior to hearing.

(8) APPEAL NO. V00-041

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
[to Ma Estates, Rear Yard Variance to
[construct a four-car, semi-underground
[garage and one-story building addition
[in the required yard of a single family
[dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to **September 13, 2000** prior to hearing.

(9) APPEAL NO. 00-110

JOSEPH FESTINESE, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[37 Landers Street.
[Determination by the Zoning Admin-
[istrator dated June 28, 2000 that the
[Zoning Administrator does not have the
[authority to grant a lot size variance to
[allow four dwelling units on the 3,125
[s.f. lot because Section 209.1(i) requires
[3,200 s.f., one unit for each 800 s.f. of
[lot area, and the City Attorney has
[determined that the proposed variance
[would be tantamount to a rezoning of
[the lot.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **UPHOLD** the subject determination.

SPEAKERS: **1.** Larry Badiner, ZA, explained that variances can't be granted that are tantamount to rezoning and no variance can be granted to make 3,125sf the same as 3,200sf needed for a four-unit building in the RM-1 district. One can't get higher density this way. **2.** Jerry Klein, consultant for the appellant, said that he was trying to find a way to add more housing units in the City and this would be a way to do that. His client wants to legalize a fourth unit since there is adequate parking and the correct zoning, just short 75 square feet of the 3,200sf needed. **3.** Joseph Festinese, the appellant, said he wanted to create a unit out of the 1600sf unit upstairs because he needs the money. **No public comment.**

(10) APPEAL NO. 00-111

ORCHARD HOTEL, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[665 Bush Street.
[Determination by the Zoning Administrator dated June 26, 2000 that [modification of the off-street parking [requirement for the proposed 10-story [hotel will require conditional use [authorization to modify Planning Com-[mission Motion No. 11619 approved on [March 16, 1989 and a variance from the [Zoning Administrator to allow off-site [parking at 750 Bush Street under a [three year lease with the San Francisco [Parking dba City Park.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the subject determination.

SPEAKERS: **1.** Larry Badiner, ZA, explained the history of the conditional use authorizing a hotel in 1989. At the time the Code did not require parking in the district but the applicant included it in the plan and it was his contention that to modify that CU decision the appellant must file a new CU application and ask the Planning Commission to modify the 1989 decision. **2.** Michael Thomas, architect for the Orchard Hotel, explained why the owners no longer wanted parking in the building. **3.** Ahmad Larizadeh, a Code consultant to the hotel owners, explained the time constraints on the owners and he showed photos of Anson Alley with various vehicles blocking it from different angles. **No public comment.**

(11) APPEAL NO. 00-112

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[450 Rhode Island Street.
[Determination by the Zoning Admin-[istrator dated June 28, 2000 that [Macromedia is a business service [company with some components that [could be considered light manufacturing [and is a permitted use in the M-1 (Light [Industrial) zoning district under Planning [Code Sections 222, 226 and 890.11.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. Afterwards, upon motion by Commissioner El Qadah, the Board voted 4-0-1 (Commissioner McInerney was recused) to **UPHOLD** the subject determination.

SPEAKERS: **1.** Larry Badiner, ZA, addressed the issues in the appellant's brief. He said the use was a business service and not office. The ballot measures will clarify it, but until then he will make determinations. This project not yet approved but will go to the Planning Commission. He said Section 320 does not apply and does not speak of computer technology. **2.** Sue Hestor, attorney for appellant, continues to claim that this matter should not be heard until the environmental impact report is final. She said she had gotten no documents to support this determination from Planning after several requests; and that this was a bizarre interpretation which says a corporate headquarters is a factory. She said this was actually back office space discussed in the 1980's. She said under the Building Code it will be an office. **3.** Andrew Junius, attorney for determination holder, said he made the request for the determination because the Code is not clear. Multi-media is an emerging industry, and appellant is asking Board to substitute her interpretation for Mr. Badiner's. **Public Comment for the Appellant:** **4.** John deCastro said he has worked for high tech firms and that they are cubicle farms, just like offices. He said this was a fantasy to aviod Prop M. **5.** Gina Lee said she lives in Potrero Hill and she is a senior software start up person. She said this firm will not produce hardware, just works through the internet. She said that most employees will drive to work. **6.** Audrey Cole said she has been in software development since 1985, working for large and small companies, and she uses Macromedia's products. She said to her this is just another office. **7.** M. Joseph Schaller, a resident of Potrero Hill and a software consultant for many years, said that he has worked with 80% to 90% of computer companies and that it is a question of the density of the people. Industrial use, fewer people, lower parking requirements; office use, more people and cars, greater parking requirements. **8.** Andrew Wood said that Prop K in November by Mayor Brown would define Macromedia as office space. **9.** Scott Lee, a resident of Potrero Hill, said that while internet and the web are new concepts, that density and parking are not, and that hiding behind the web for more density and parking is wrong. Macromedia is just like all offices and probably more dense than lawyers' offices. **10.** Joe Boss, a Potrero Hill resident, works for a real estate trust and had experience with a Hewlett Packard building easily converted to accounts' offices. He said both ballot measures would call this use office. **Public Comment for the ZA:** **11.** Loren Hillberg, general counsel for Macromedia, described the new industry with a new environment for products and services. **12.** Mark Brotherton said he is an instructor in e-commerce at San Francisco State University and that the mode of production here is close to industrial production and not like office use. This is not traditional office space. **13.** Tony Wessling said the digital industry is a new animal providing careers and jobs. Prop M addressed old City and this new industry is bringing back the old spirit. They are making new tools needed for making business. **14.** Ron Kaufman is the developer of 450 Rhode Island and said he has always done office projects, but here, for two years, they have been debriefing Macromedia for their special needs and are planning facility to be brought to the Planning Commission. He said the project will have 545 parking spaces and a transit system, and that the density will be much less than office density. **15.** Alastair Mactaggart said he is a resident who lives two blocks away and he welcomed this new factory of today which produces intellectual products.

There being no further business, President Chin adjourned the meeting at 10:31 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained directly from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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Attn: Terry Gwiazdowsky

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, AUGUST 30, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

30

30/00

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

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REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Cheryl Miller, requesting that the Board take jurisdiction over Building Permit Application No. 2000/07/17/5319 issued to Stephen Savin for removal of kitchen fixtures and occupancy separation, restoring the building to single-family occupancy.

Date issued	July 21, 2000
Last day to appeal	August 7, 2000
Request for jurisdiction	August 14, 2000

REQUESTS FOR REHEARING:

ITEM B: Revocation of Taxicab Medallion No. 942. Letter from Cindy Lee, attorney for Matthew Wong, appellant requesting rehearing of Appeal No. 00-036, heard July 12, 2000. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner El Qadah dissented) to **UPHOLD** the revocation. Four votes being necessary to overturn any departmental action, the Taxicab Commission's decision to revoke the appellant's medallion was **UPHELD**.

ITEM C: 347A Masonic Avenue. Letter from John Mallory, permit holder requesting rehearing of Appeal No. 00-059, heard June 7, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the permit on **CONDITION** that the subject wall be relocated to the original location as on the subdivision map, and on further **CONDITION** that all bathrooms, sinks and kitchens built in the storage area be removed.

(4) **APPEAL NO. 00-074**

EDUARDO TROZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1363 Palou Avenue.
[Denial on May 1, 2000, of permit to Alter
[a Building (two-story horizontal addition).
[APPLICATION NO. 9922806S.
[PUBLIC HEARING HELD AND
[CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(5) **APPEAL NO. 99-175**

RONALD LIPPERT & PAMELA BROWN, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2421 Balboa Street.
[Protesting issuance on October 26,
[1999, to Margot F. Nassau, permit to
[Alter a Building (remove kitchen and
[bath at lower level; relocate laundry tub,
[washer and dryer to original location).
[APPLICATION NO. 9919672.
[PUBLIC HEARING HELD AND
[CLOSED JANUARY 12, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(6)

APPEAL NO. 00-113

MICHAEL T. EGE, PAMELA I. UBERTI & ADAM SUMINSKI, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2215 Powell Street.
[Zoning Administrator determination
[dated June 29, 2000, that the extension
[of the Conditional Use Authorization
[dated November 27, 1996 (Case No.
[91.373C) for a full service restaurant
[and bar has not been abandoned and is
[still valid provided all renovations are
[complete and a final Certificate of
[Occupancy is obtained and the
[establishment reopened within six
[months of the ABC's ruling, otherwise a
[new CU application must be submitted.
[FOR HEARING TODAY.

(7)

APPEAL NO. 00-114

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated June 29, 2000 that a second
[kitchen can be installed in the one-
[family house only as part of a second
[unit and, with the current parking
[configuration in the garage, only if an
[off-street parking variance is sought and
[granted by the Zoning Administrator.
[FOR HEARING TODAY.

(8)

APPEAL NO. 00-124

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated July 19, 2000 that the proposed
[greenhouse on the existing rear deck
[cannot be approved without additional
[accurate drawings and a site plan,
[notification under Planning Code
[Section 311, submittal of a copy of the
[approved permit application and
[drawings for the existing lower deck,
[and the five foot setback on each side
[of the greenhouse must be open to the
[sky requiring relocation of the existing
[stair and landing.
[APPLICATION NO. 2000/04/25/8211.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, AUGUST 30, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Commissioner Carole Cullum, and Commissioner Allam El Qadah.

Judith Boyajian, Deputy City Attorney; Larry Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); and Robert Feldman, Executive Secretary for the Board.

ABSENT: Vice President Sabrina Saunders and Commissioner John McInerney.

Easteller Bruihl, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Arnold Chin apologized to the audience for the lack of a four-member quorum and explained that one commissioner was attending a memorial service for a close family member, while the other was unable to attend due to the pressure of business.

(3) MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Cheryl Miller, requesting that the Board take jurisdiction over Building Permit Application No. 2000/07/17/5319 issued to Stephen Savin for removal of kitchen fixtures and occupancy separation, restoring the building to single-family occupancy.

Date issued	July 21, 2000
Last day to appeal	August 7, 2000
Request for jurisdiction	August 14, 2000

ACTION: This matter was **RESCHEDULED** to **September 6, 2000** prior to hearing.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 30, 2000

REQUESTS FOR REHEARING:

ITEM B: Revocation of Taxicab Medallion No. 942. Letter from Cindy Lee, attorney for Matthew Wong, appellant requesting rehearing of Appeal No. 00-036, heard July 12, 2000. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner El Qadah dissented) to **UPHOLD** the revocation. Four votes being necessary to overturn any departmental action, the Taxicab Commission's decision to revoke the appellant's medallion was UPHELD.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 3-0-2 (Vice President Saunders & Commissioner McInerney were absent) to **RESCHEDULE** this matter to **September 27, 2000.**

SPEAKERS: Cindy Lee, attorney for appellant/requestor, and Tom Owen, Deputy City Attorney for the Taxi Commission, both agreed to rescheduling the item to September 27, 2000.

ITEM C: 347A Masonic Avenue. Letter from John Mallory, permit holder requesting rehearing of Appeal No. 00-059, heard June 7, 2000. Upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum absent) to **GRANT** the permit on **CONDITION** that the subject wall be relocated to the original location as on the subdivision map, and on further **CONDITION** that all bathrooms, sinks anc kitchens built in the storage area be removed.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Vice President Saunders anc Commissioner McInerney were absent) to **CONTINUE** this matter to **October 4, 2000.**

SPEAKERS: **1.** John Mallory, permit holder/requestor, asked the Board to continue this item to October 4, 2000 so that he can be in attendance. **2.** Christopher Visher, representing the appellant agreed to October 4, 2000 as the new hearing date. **3.** Larry Badiner, ZA, offered to review the case fo the Board.

(4) APPEAL NO. 00-074

EDUARDO TROZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1363 Palou Avenue.
[Denial on May 1, 2000, of permit to Alter
[a Building (two-story horizontal addi-
[tion).
[APPLICATION NO. 9922806S.
[PUBLIC HEARING HELD AND
[CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-0-2 (Vice President Saunders an Commissioner McInerney were absent) to **CONTINUE** this matter to **September 13, 2000.**

SPEAKER: Eduardo Troz, via translator Cecilia Troz, said that he had submitted plans revised as th Board had directed, and agreed to have his appeal rescheduled to September 13, 2000.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 30, 2000

(5) APPEAL NO. 99-175

RONALD LIPPERT & PAMELA BROWN, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2421 Balboa Street.
[Protesting issuance on October 26, 1999, to Margot F. Nassau. permit to Alter a Building (remove kitchen and bath at lower level; relocate laundry tub, washer and dryer to original location).
[APPLICATION NO. 9919672.
[PUBLIC HEARING HELD AND CLOSED JANUARY 12, 2000.
[FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Vice President Saunders and Commissioner McInerney were absent) to **GRANT** the subject permit.

SPEAKER: The Executive Secretary reported that the appellants have moved to Mendocino County and that he telephoned them and explained how they could withdraw their appeal.

(6) APPEAL NO. 00-113

MICHAEL T. EGE, PAMELA I. UBERTI & ADAM SUMINSKI, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2215 Powell Street.
[Zoning Administrator determination dated June 29, 2000, that the extension of the Conditional Use Authorization dated November 27, 1996 (Case No. 91.373C) for a full service restaurant and bar has not been abandoned and is still valid provided all renovations are complete and a final Certificate of Occupancy is obtained and the establishment reopened within six months of the ABC's ruling, otherwise a new CU application must be submitted.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 3-0-2 (Vice President Saunders and Commissioner McInerney were absent) to **RESCHEDULE** this matter to **September 13, 2000**.

SPEAKERS: **1.** Michael Ege, co-appellant, agreed to the appeal being rescheduled to September 13, 2000. **2.** Robert Barbagelata, one of the subject building's owners, submitted a letter in support of the determination, which was accepted by President Chin. **3.** Ariel Basse, representing the owner of the club, agreed to September 13 as the new hearing date.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, AUGUST 30, 2000

(7) **APPEAL NO. 00-114**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated June 29, 2000 that a second
[kitchen can be installed in the one-
[family house only as part of a second
[unit and, with the current parking
[configuration in the garage, only if an
[off-street parking variance is sought and
[granted by the Zoning Administrator.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Vice President Saunders and Commissioner McInerney were absent) to **RESCHEDULE** this matter to **September 13, 2000**.

SPEAKERS: None.

(8) **APPEAL NO. 00-124**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated July 19, 2000 that the proposed
[greenhouse on the existing rear deck
[cannot be approved without additional
[accurate drawings and a site plan,
[notification under Planning Code
[Section 311, submittal of a copy of the
[approved permit application and
[drawings for the existing lower deck,
[and the five foot setback on each side
[of the greenhouse must be open to the
[sky requiring relocation of the existing
[stair and landing.
[APPLICATION NO. 2000/04/25/8211.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Vice President Saunders and Commissioner McInerney were absent) to **RESCHEDULE** this matter to **September 13, 2000**.

SPEAKERS: None.

There being no further business, President Chin adjourned the meeting at 5:50 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman, Executive Secretary

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Attn: Terry Gwizdowsky

Transcripts of these hearings can be obtained directly from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 6, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:** 90 Eastwood Drive. Letter from Cheryl Miller, requesting that the Board take jurisdiction over Building Permit Application No. 2000/07/17/5319 issued to Stephen Savin for removal of kitchen fixtures and occupancy separation, restoring the building to single-family occupancy.

Date issued	July 21, 2000
Last day to appeal	August 7, 2000
Request for jurisdiction	August 14, 2000

(4) **APPEAL NO. 00-109**

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Determination by the Acting Zoning
[Administrator dated July 6, 2000
[requiring revisions to approved plans
[regarding front setback requirements.
[APPLICATION NO. 2000/02/14/1841.
[PUBLIC HEARING HELD AND
[CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

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(5) **CONSENT ITEMS:** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(A) **APPEAL NO. 00-138**

DAN D. BETCHART, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[1027 Ingerson Avenue.
[Appeal for Refund of Penalty imposed
[on August 29, 2000.
[APPLICATION NO. 2000/08/18/8318.
[FOR HEARING TODAY.

(B) **APPEAL NO. 00-141**

CYNTHIA L. BENNETT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[80 Flora Street.
[Appeal for Refund of Penalty imposed
[on August 30, 2000.
[APPLICATION NO. 2000/06/15/2717.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-101**

KAY LAMMING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[268 Chenery Street.
[Protesting issuance on June 16, 2000,
[to Zahid Sardar, permit to Alter a
[Building (interior remodeling; repair
[existing deck; 361 s.f. third story
[addition).
[APPLICATION NO. 9812657.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-119**

COMMITTEE FOR JOBS, ARTS AND HOUSING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1050 – 17th Street.
[Protesting issuance on July 10, 2000,
[to Ciaran Harty, permit to Erect a
[Building (19 live/work units).
[APPLICATION NO. 9711381S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-120**

KENNETH SCUDDER & KELLIN DEFIEL, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[310 Green Street.
[Protesting issuance on July 11, 2000, to
[Mitch Menaged, permit to Demolish a
[Building (single family dwelling).
[APPLICATION NO. 9915173.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-121**

SOPHIA F. ALVAREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2800 San Bruno Avenue.
[Protesting issuance on July 11, 2000, to
[Edward and Oi Lan Lim, permit to Alter
[a Building (legalize seven foot fence).
[APPLICATION NO. 2000/07/11/4859.
[FOR HEARING TODAY.

(10) **APPEAL NO. V00-048**

ALLAN & LORRAINE THOMPSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[50 Magnolia/1755 Chestnut Streets.
[Denial on March 22, 2000, of Rear Yard
[Variance to relocate one dwelling unit
[from the 1755 Chestnut Street building
[to the existing rear carriage house at 50
[Magnolia Street by renovating and
[adding a floor and roof deck to the
[existing building, setting back the new
[floor 15 feet from Magnolia Street; the
[proposal also includes two 2'x7'
[extensions into the lightwells of the
[existing 1755 Chestnut Street building;
[the total number of dwelling units will
[remain six units.
[VARIANCE CASE NO. 99.164V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

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SABRINA N. SAUNDERS	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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DEPARTMENT 41

MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 6, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

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PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Allam El Qadah who arrived late at 5:50 p.m., and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney; Larry Badiner, Zoning Administrator (ZA); Isolde Wilson, representing the Planning Department; and Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI).

ABSENT: Commissioner Carole Cullum and Executive Secretary Robert Feldman.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: **1.** Commissioner El Qadah apologized to the audience for being a little late. **2.** President Chin announced the addition of two hearing dates for September 20 and October 25.

(3) **REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD**: 90 Eastwood Drive. Letter from Cheryl Miller, requesting that the Board take jurisdiction over Building Permit Application No. 2000/07/17/5319 issued to Stephen Savin for removal of kitchen fixtures and occupancy separation, restoring the building to single-family occupancy.

Date issued	July 21, 2000
Last day to appeal	August 7, 2000
Request for jurisdiction	August 14, 2000

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Commissioner El Qadah and Commissioner Cullum absent) to **RESCHEDULE** the matter to **October 11, 2000.**

SPEAKERS: None.

(4) APPEAL NO. 00-109

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Determination by the Acting Zoning
[Administrator dated July 6, 2000
[requiring revisions to approved plans
[regarding front setback requirements.
[APPLICATION NO. 2000/02/14/1841.
[PUBLIC HEARING HELD AND
[CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Commissioner El Qadah and Commissioner Cullum absent) to **RESCHEDULE** the matter to **October 4, 2000.**

SPEAKERS: None.

(5) CONSENT ITEMS: With the consent of the Department of Building Inspection, the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

(A) APPEAL NO. 00-138

DAN D. BETCHART, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent

[1027 Ingerson Avenue.
[Appeal for Refund of Penalty imposed
[on August 29, 2000.
[APPLICATION NO. 2000/08/18/8318.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0-1 (Commissioner Cullum absent) to **REDUCE** the penalty to two times the regular fee of $85.15 for a total penalty of $170.30.

SPEAKERS: The appellant was present but did not speak.

(B) APPEAL NO. 00-141

CYNTHIA L. BENNETT, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[80 Flora Street.
[Appeal for Refund of Penalty imposed
[on August 30, 2000.
[APPLICATION NO. 2000/06/15/2717.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0-1 (Commissioner Cullum absent) to **REDUCE** the penalty to two times the regular fee of $297.05 for a total penalty of $594.10.

SPEAKERS: The appellant was present but did not speak.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 6, 2000

(6) APPEAL NO. 00-101

KAY LAMMING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[268 Chenery Street.
[Protesting issuance on June 16, 2000,
[to Zahid Sardar, permit to Alter a
[Building (interior remodeling; repair
[existing deck; 361 s.f. third story
[addition).
[APPLICATION NO. 9812657.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the subject alteration permit.

SPEAKERS: 1. Kay Lamming, appellant, outlined the reasons for the appeal. **2.** Zahid Sardar, permit holder, asked the Board to uphold the issuance of the alteration permit. **3.** Mark Macey, architect for the permit holder, also asked the Board to grant the permit. **4.** Larry Badiner, ZA, outlined the process that led to the approval of this project. **Public Comment for the Appellant:** Kevin Gardner, from the Glen Park Neighborhood Association; Suzanne Sampson; Paul Curtis; Susan Ciochetto; and Janet Elliot. **Public Comment for the Permit Holder:** Jim Zack, from the Glen Park Noe Valley Improvement Association; Jonathan Staub; and Eugene Phillips.

(7) APPEAL NO. 00-119

COMMITTEE FOR JOBS, ARTS AND HOUSING, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1050 – 17th Street.
[Protesting issuance on July 10, 2000,
[to Ciaran Harty, permit to Erect a
[Building (19 live/work units).
[APPLICATION NO. 9711381S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the subject site permit.

SPEAKERS: **1.** Sue Hestor, attorney for appellant, outlined the reasons for the appeal. **2.** Alice Barkley, attorney for the permit holder, asked the Board to uphold the site permit. **3.** Isolde Wilson, representing the Planning Department, outlined the history of the case from Discretionary Review to the present. **Public Comment for the Appellant:** John deCastro and John O'Rourke. **Public Comment for the Permit Holder:** Joe Cassidy.

(8) APPEAL NO. 00-120

KENNETH SCUDDER & KELLIN DEFIEL, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[310 Green Street.
[Protesting issuance on July 11, 2000, to
[Mitch Menaged, permit to Demolish a
[Building (single family dwelling).
[APPLICATION NO. 9915173.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 3-0-2 (President Chin abstained and Commissioner Cullum absent) to **RECUSE** President Chin. After testimony, upon motion by

Commissioner McInerney, the Board voted 3-0-2 (President Chin recused and Commissioner Cullum absent) to **RESCHEDULE** the matter to **September 20, 2000**.

SPEAKERS: 1. Kenneth Scudder, co-appellant, agreed to rescheduling the appeal. **2.** Jeremy Paul, agent for the permit holder, also agreed to the rescheduling.

(9) APPEAL NO. 00-121

SOPHIA F. ALVAREZ, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2800 San Bruno Avenue.
[Protesting issuance on July 11, 2000, to
[Edward and Oi Lan Lim, permit to Alter
[a Building (legalize seven foot fence).
[APPLICATION NO. 2000/07/11/4859.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the subject permit with the following **CONDITIONS:** that lattice surround the entire fence; that the lattice be painted a white color, preferably with anti-graffiti paint; and that a suitable vine be planted along the subject fence.

SPEAKERS: 1. Sophia Alvarez, appellant, stated the reasons why she filed the appeal and the conditions she would like imposed on the subject permit. 2. Edward Lim, permit holder, asked the Board to uphold the fence permit and stated the reasons why he erected the fence. 3. Isolde Wilson, representing the Planning Department, said that the conditions proposed by the appellant did not violate any Planning guidelines. **Public Comment for the Permit Holder:** Peter Joseph.

(10) APPEAL NO. V00-048

ALLAN & LORRAINE THOMPSON, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[50 Magnolia/1755 Chestnut Streets.
[Denial on March 22, 2000, of Rear Yard
[Variance to relocate one dwelling unit
[from the 1755 Chestnut Street building
[to the existing rear carriage house at 50
[Magnolia Street by renovating and
[adding a floor and roof deck to the
[existing building, setting back the new
[floor 15 feet from Magnolia Street; the
[proposal also includes two 2'x7'
[extensions into the light wells of the
[existing 1755 Chestnut Street building;
[the total number of dwelling units will
[remain six units.
[VARIANCE CASE NO. 99.164V.
[FOR HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to the indefinite calendar or **CALL OF THE CHAIR** prior to hearing.

SPEAKERS: None.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 6, 2000

There being no further business, President Chin adjourned the meeting at 8:20 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Agenda

13/00

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 13, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 00-123**

ELIZABETH MITSKEVICH, Appellant
vs.
POLICE DEPARTMENT, Respondent

[600 Townsend Street.
[Denial on July 17, 2000, of Pushcart
[Peddler permit.
[FOR HEARING TODAY.

(4) **APPEAL NO. 00-074**

EDUARDO TROZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1363 Palou Avenue.
[Denial on May 1, 2000, of permit to Alter
[a Building (two-story horizontal addi-
[tion).
[APPLICATION NO. 9922806S.
[PUBLIC HEARING HELD AND
[CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(5) **APPEAL NO. 00-098**

ANNETTE SCHUBERT, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[17A Stoneman Street.
[Protesting issuance on June 12, 2000,
[to Kendall Goh, permit to Alter a
[Building (remove existing deck surface
[and replace with new tiled deck and
[railing; remove window and install
[French door unit; install new window on
[front wall of second floor).
[APPLICATION NO. 2000/06/12/2441.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-099**

PAUL WEBER & EVELYN MACIAS, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[4390 – 26TH Street.
[Protesting issuance on June 13, 2000,
[to Sun-Choy Wong, permit to Alter a
[Building (one-story vertical addition and
[minor alterations in existing building per
[plans).
[APPLICATION NO. 2000/02/23/2537.
[FOR HEARING TODAY.

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(7) **APPEAL NO. 00-102**

PLANNING ASSOCIATION OF DIVISADERO ST., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[537 Divisadero Street.
[Protesting issuance on June 21, 2000,
[to Howard A. Cooper, permit to Alter a
[Building (install new awning).
[APPLICATION NO. 2000/06/21/3277.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-103**

TERRANCE ALLAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[561 Baker Street.
[Protesting issuance on May 11, 2000,
[and suspension June 30, to Robert
[Sigmund, permit to Alter a Building
[(remove top floor of occupancy to
[include bedroom, kitchen, bathrooms;
[remove private computer room in
[basement; provide one hour fire-rated
[door to boiler room; remove obstruction
[from back rear stair).
[APPLICATION NO. 2000/04/11/6894.
[FOR HEARING TODAY.

(9) **APPEAL NO. V00-041**

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
[to Ma Estates, Rear Yard Variance to
[construct a four-car, semi-underground
[garage and one-story building addition
[in the required yard of a single family
[dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

(10) **APPEAL NO. 00-113**

MICHAEL T. EGE, PAMELA I. UBERTI & ADAM SUMINSKI, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2215 Powell Street.
[Zoning Administrator determination
[dated June 29, 2000, that the extension
[of the Conditional Use Authorization
[dated November 27, 1996 (Case No.
[91.373C) for a full service restaurant
[and bar has not been abandoned and is
[still valid provided all renovations are
[complete and a final Certificate of
[Occupancy is obtained and the
[establishment reopened within six
[months of the ABC's ruling, otherwise a
[new CU application must be submitted.
[FOR HEARING TODAY.

(11) **APPEAL NO. 00-114**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated June 29, 2000 that a second
[kitchen can be installed in the one-
[family house only as part of a second
[unit and, with the current parking
[configuration in the garage, only if an
[off-street parking variance is sought and
[granted by the Zoning Administrator.
[FOR HEARING TODAY.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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DEPARTMENT 41

(12) **APPEAL NO. 00-124**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination [dated July 19, 2000 that the proposed [greenhouse on the existing rear deck [cannot be approved without additional [accurate drawings and a site plan, [notification under Planning Code [Section 311, submittal of a copy of the [approved permit application and [drawings for the existing lower deck, [and the five foot setback on each side [of the greenhouse must be open to the [sky requiring relocation of the existing [stair and landing.
[APPLICATION NO. 2000/04/25/8211.
[FOR HEARING TODAY.

(13) **APPEAL NO. 00-093**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[250 Brannan Street.
[Zoning Administrator's determination [dated June 7, 2000 that the use classi-[fication of DoubleClick, Inc., an Internet [company specializing in development of [software solutions for Internet publishers [and advertisers which intends to operate [in a Service/Secondary Office (SSO) [zoning district, is a Business Service [under Planning Code Section 890.11 [and is exempt from Section 321 [requirements, and is a permitted use in [the SSO district.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MINUTES OF THE REGULAR MEETING OF THE
SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 13, 2000
5:30 P.M., CITY HALL, ROOM 416

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1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Commissioner Allam El Qadah, and Commissioner John McInerney. Judith Boyajian, Deputy City Attorney.

ABSENT: Vice President Sabrina Saunders; Commissioner Carole Cullum; Larry Badiner, Zoning Administrator; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; and Robert Feldman, Executive Secretary for the Board.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Arnold Chin apologized to the public for the absence of Vice President Saunders and Commissioner Cullum which created a lack of quorum, and thus requiring the rescheduling of all the cases on the Board's calendar.

(3) APPEAL NO. 00-123

ELIZABETH MITSKEVICH, Appellant
vs.
POLICE DEPARTMENT, Respondent

[600 Townsend Street.
[Denial on July 17, 2000, of Pushcart
[Peddler permit.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 3-0-2 (Vice President Saunders and Commissioner Cullum absent) to RESCHEDULE the matter to **October 25, 2000.**

SPEAKERS: None.

(4) APPEAL NO. 00-074

EDUARDO TROZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1363 Palou Avenue.
[Denial on May 1, 2000, of permit to Alter
[a Building (two-story horizontal addi-
[tion).
[APPLICATION NO. 9922806S.
[PUBLIC HEARING HELD AND
[CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 3-0-2 (Vice President Saunders and Commissioner Cullum absent) to **RESCHEDULE** the matter to **September 20, 2000**.

SPEAKERS: None.

(5) APPEAL NO. 00-098

ANNETTE SCHUBERT, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[17A Stoneman Street.
[Protesting issuance on June 12, 2000,
[to Kendall Goh, permit to Alter a
[Building (remove existing deck surface
[and replace with new tiled deck and
[railing; remove window and install
[French door unit; install new window on
[front wall of second floor).
[APPLICATION NO. 2000/06/12/2441.
[FOR HEARING TODAY.

ACTION: This matter was WITHDRAWN by the appellant prior to hearing.

(6) APPEAL NO. 00-099

PAUL WEBER & EVELYN MACIAS, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[4390 – 26TH Street.
[Protesting issuance on June 13, 2000,
[to Sun-Choy Wong, permit to Alter a
[Building (one-story vertical addition and
[minor alterations in existing building per
[plans).
[APPLICATION NO. 2000/02/23/2537.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 3-0-2 (Vice President Saunders and Commissioner Cullum absent) to **RESCHEDULE** the matter to **September 20, 2000**.

SPEAKERS: None.

(7) APPEAL NO. 00-102

PLANNING ASSOCIATION OF DIVISADERO ST., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[537 Divisadero Street.
[Protesting issuance on June 21, 2000, [to Howard A. Cooper, permit to Alter a [Building (install new awning).
[APPLICATION NO. 2000/06/21/3277.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Vice President Saunders and Commissioner Cullum absent) to **RESCHEDULE** the matter to **September 20, 2000**.

SPEAKERS: None.

(8) APPEAL NO. 00-103

TERRANCE ALLAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[561 Baker Street.
[Protesting issuance on May 11, 2000, [and suspension June 30, to Robert [Sigmund, permit to Alter a Building [(remove top floor of occupancy to [include bedroom, kitchen, bathrooms; [remove private computer room in [basement; provide one hour fire-rated [door to boiler room; remove obstruction [from back rear stair).
[APPLICATION NO. 2000/04/11/6894.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 3-0-2 (Vice President Saunders and Commissioner Cullum absent) to **RESCHEDULE** the matter to **October 4, 2000**.

SPEAKERS: 1. Kevin Greenquist, agent for the permit holder, agreed to reschedule the appeal to October 4th. **2.** Stephen Collier, agent for the appellant, also agreed to the rescheduling.

(9) APPEAL NO. V00-041

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000, [to Ma Estates, Rear Yard Variance to [construct a four-car, semi-underground [garage and one-story building addition [in the required yard of a single family [dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Vice President Saunders and Commissioner Cullum absent) to **RESCHEDULE** the matter to **October 25, 2000**.

SPEAKERS: 1. Daniel Conrad, agent for the appellants, agreed to reschedule the appeal to

October 25th. **2.** Frank Fung, agent for the variance holder, also agreed to the rescheduling.

(10) APPEAL NO. 00-113

MICHAEL T. EGE, PAMELA I. UBERTI & ADAM SUMINSKI, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2215 Powell Street.
[Zoning Administrator determination [dated June 29, 2000, that the extension [of the Conditional Use Authorization [dated November 27, 1996 (Case No. [91.373C) for a full service restaurant [and bar has not been abandoned and is [still valid provided all renovations are [complete and a final Certificate of [Occupancy is obtained and the [establishment reopened within six [months of the ABC's ruling, otherwise a [new CU application must be submitted.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 3-0-2 (Vice President Saunders and Commissioner Cullum absent) to **RESCHEDULE** the matter to **September 20, 2000.**

SPEAKERS: **1.** Michael Ege, co-appellant, agreed to reschedule the appeal to September 20th. **2.** Ariel Basse, project sponsor, also agreed to the rescheduling.

(11) APPEAL NO. 00-114

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination [dated June 29, 2000 that a second [kitchen can be installed in the one-[family house only as part of a second [unit and, with the current parking [configuration in the garage, only if an [off-street parking variance is sought and [granted by the Zoning Administrator.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Vice President Saunders and Commissioner Cullum absent) to **RESCHEDULE** the matter to **September 20, 2000.**

SPEAKERS: None.

(12) APPEAL NO. 00-124

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination [dated July 19, 2000 that the proposed [greenhouse on the existing rear deck [cannot be approved without additional [accurate drawings and a site plan, [notification under Planning Code [Section 311, submittal of a copy of the [approved permit application and [drawings for the existing lower deck, [and the five foot setback on each side [of the greenhouse must be open to the [sky requiring relocation of the existing [stair and landing.
[APPLICATION NO. 2000/04/25/8211.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-0-2 (Vice President Saunders and Commissioner Cullum absent) to **RESCHEDULE** the matter to **September 20, 2000**.

SPEAKERS: None.

(13) APPEAL NO. 00-093

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[250 Brannan Street.
[Zoning Administrator's determination [dated June 7, 2000 that the use classi-[fication of DoubleClick, Inc., an Internet [company specializing in development of [software solutions for Internet publishers [and advertisers which intends to operate [in a Service/Secondary Office (SSO) [zoning district, is a Business Service [under Planning Code Section 890.11 [and is exempt from Section 321 [requirements, and is a permitted use in [the SSO district.
[FOR HEARING TODAY.

ACTION: This matter was **RESCHEDULED** to **September 20, 2000** prior to hearing.

There being no further business, President Chin adjourned the meeting at 5:50 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 20, 2000

5:30 P.M., CITY HALL, ROOM 416

0/00

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 00-074**

EDUARDO TROZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1363 Palou Avenue.
[Denial on May 1, 2000, of permit to Alter
[a Building (two-story horizontal addi-
[tion).
[APPLICATION NO. 9922806S.
[PUBLIC HEARING HELD AND
[CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(4) **APPEAL NO. 00-118**

ELMER OWENS, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[3065 Clay Street.
[Denial on July 21, 2000, of permit to
[Alter a Building (remove occupancy
[stipulation on CFC 7804653).
[APPLICATION NO. 2000/09/08/9983.
[FOR HEARING TODAY.

(5) **APPEAL NO. 00-099**

PAUL WEBER & EVELYN MACIAS, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[4390 – 26TH Street.
[Protesting issuance on June 13, 2000,
[to Sun-Choy Wong, permit to Alter a
[Building (one-story vertical addition and
[minor alterations in existing building per
[plans).
[APPLICATION NO. 2000/02/23/2537.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-102**

PLANNING ASSOCIATION OF DIVISADERO ST.,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[537 Divisadero Street.
[Protesting issuance on June 21, 2000,
[to Howard A. Cooper, permit to Alter a
[Building (install new awning).
[APPLICATION NO. 2000/06/21/3277.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-120**

KENNETH SCUDDER & KELLIN DEFIEL, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[310 Green Street.
[Protesting issuance on July 11, 2000, to
[Mitch Menaged, permit to Demolish a
[Building (single family dwelling).
[APPLICATION NO. 9915173.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-113**

MICHAEL T. EGE, PAMELA I. UBERTI & ADAM SUMINSKI, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2215 Powell Street.
[Zoning Administrator determination
[dated June 29, 2000, that the extension
[of the Conditional Use Authorization
[dated November 27, 1996 (Case No.
[91.373C) for a full service restaurant
[and bar has not been abandoned and is
[still valid provided all renovations are
[complete and a final Certificate of
[Occupancy is obtained and the
[establishment reopened within six
[months of the ABC's ruling, otherwise a
[new CU application must be submitted.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-114**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated June 29, 2000 that a second
[kitchen can be installed in the one-
[family house only as part of a second
[unit and, with the current parking
[configuration in the garage, only if an
[off-street parking variance is sought and
[granted by the Zoning Administrator.
[FOR HEARING TODAY.

(10) **APPEAL NO. 00-124**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated July 19, 2000 that the proposed
[greenhouse on the existing rear deck
[cannot be approved without additional
[accurate drawings and a site plan,
[notification under Planning Code
[Section 311, submittal of a copy of the
[approved permit application and
[drawings for the existing lower deck,
[and the five foot setback on each side
[of the greenhouse must be open to the
[sky requiring relocation of the existing
[stair and landing.
[APPLICATION NO. 2000/04/25/8211.
[FOR HEARING TODAY.

(11) **APPEAL NO. 00-093**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[250 Brannan Street.
[Zoning Administrator's determination
[dated June 7, 2000 that the use classi-
[fication of DoubleClick, Inc., an Internet
[company specializing in development of
[software solutions for Internet publishers
[and advertisers which intends to operate
[in a Service/Secondary Office (SSO)
[zoning district, is a Business Service
[under Planning Code Section 890.11
[and is exempt from Section 321
[requirements, and is a permitted use in
[the SSO district.
[FOR HEARING TODAY.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, SEPTEMBER 20, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney; Larry Badiner, Zoning Administrator (ZA); Sean McNulty, Chief Building Inspector, Department of Building Inspection (CBI, DBI); and Rafael Torres-Gil, Senior Building Inspector, Department of Building Inspector (SBI, DBI).

ABSENT: Robert Feldman, Executive Secretary for the Board.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Joel Yodowitz, attorney for the determination holder in Appeal 00-093 (Item 11), informed the Board that his client may not be present for the hearing if the meeting goes very long because his client has to catch a flight later on in the evening.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

SPEAKERS: None.

(3) **APPEAL NO. 00-074**

EDUARDO TROZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1363 Palou Avenue.
[Denial on May 1, 2000, of permit to Alter
[a Building (two-story horizontal addition).
[APPLICATION NO. 9922806S.
[PUBLIC HEARING HELD AND
[CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Planning Department and **GRANT** the permit per the revised plans on **CONDITION** that the wall parallel to the stairs in the area marked "Living" on the said revised plans be a pony wall with balusters.

SPEAKERS: **1.** Larry Badiner, ZA, conveyed the Planning Department's concerns with the revised plans. **2.** Eduardo Troz, appellant, via his translator/architect Armando Sandoval, responded to the concerns raised by Mr. Badiner and asked the Board to approve his revised plans with no further modifications.

(4) **APPEAL NO. 00-118**

ELMER OWENS, et al., Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[3065 Clay Street.
[Denial on July 21, 2000, of permit to
[Alter a Building (remove occupancy
[stipulation on CFC 7804653).
[APPLICATION NO. 2000/09/08/9983.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Plannin Department and **GRANT** the subject permit on **CONDITION** that a Notice of Special Restrictions b recorded for the subject property that limits the occupancy to "moderate income housing" unde standards developed by the Department of Housing and Urban Development, with **FINDINGS** to b adopted at a later date.

SPEAKERS: **1.** Larry Badiner, ZA, conveyed the reasons for the denial of the permit. **2.** Jeremy Paul agent for the appellants, urged the Board to grant the subject permit.

(5) **APPEAL NO. 00-099**

PAUL WEBER & EVELYN MACIAS, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[4390 – 26TH Street.
[Protesting issuance on June 13, 2000,
[to Sun-Choy Wong, permit to Alter a
[Building (one-story vertical addition and
[minor alterations in existing building per
[plans).
[APPLICATION NO. 2000/02/23/2537.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **GRANT** the subject permi on **CONDITION** that all property line windows be eliminated, and on further **CONDITION** that th Department of Building Inspection and Planning Department provide notice of future permit application for property line windows to all the neighbors who would normally receive Section 311 notice.

SPEAKERS: **1.** Paul Weber, co-appellant, outlined the reasons for the appeal. **2.** Jeremy Paul, agen for the permit holder, urged the Board to grant the subject permit and to leave the property line window intact. **3.** Larry Badiner, ZA, addressed the issues concerning the property line windows and th Section 311 notification. **4.** Sean McNulty, CBI, DBI, described what he saw on his site visit an addressed the issue of what constitutes a demolition versus an alteration. **Public Comment for th Appellants:** Ann Storm, Jeff Byrne, Agnes Bonaurt, Jim Garahan, Pamela Dickson, Charles Taylo Ivan Vican, and Philip Gerrie. **Public Comment for the Permit Holder:** None.

(6) **APPEAL NO. 00-102**

PLANNING ASSOCIATION OF DIVISADERO ST., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[537 Divisadero Street.
[Protesting issuance on June 21, 2000,
[to Howard A. Cooper, permit to Alter a
[Building (install new awning).
[APPLICATION NO. 2000/06/21/3277.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board 4-1 (Commissioner McInerney dissented) to **GRANT** the subject permit on **CONDITION** that the size of the words "Money Mart" and "Western Union" stay unchanged, and with the words "Check Cashing" and "Payday Loans" be displayed underneath the words "Money Mart" and "Western Union" with no greater than two inch type face.

SPEAKERS: **1.** Patricia Vaughey, agent for the appellant, outlined the reasons for the appeal and the conditions her group would like on the permit. **2.** Thomas Chan, attorney for the permit holder/project sponsor, urged the Board to uphold the subject permit. **3.** David Edge, representative for the permit holder/project sponsor, also urged the Board to uphold the subject permit with no modifications to the signage or wording. **Public Comment for the Appellant:** Michael Smithwick, Valerie Hartwell, and Cynthia Marcucci. **Public Comment for the Permit Holder/Project Sponsor:** None.

(7) **APPEAL NO. 00-120**

KENNETH SCUDDER & KELLIN DEFIEL, Appellants
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[310 Green Street.
[Protesting issuance on July 11, 2000, to
[Mitch Menaged, permit to Demolish a
[Building (single family dwelling).
[APPLICATION NO. 9915173.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (President Chin abstained) to **RECUSE** President Chin. Afterwards, upon motion by Commissioner El Qadah, the Board voted 4-0-1 (President Chin recused) to **GRANT** the subject demolition permit.

SPEAKERS: **1.** Kenneth Scudder, co-appellant, described his opposition to the demolition of the subject property. **2.** Jeremy Paul, agent for the permit holder, asked the Board to uphold the demolition permit. **3.** Larry Badiner, ZA, defended Planning's approval of this demolition permit. **Public Comment for the Appellants:** Joe Luttrell, F. Joseph Butler, and Richard Bishop. **Public Comment for the Permit Holder:** None.

(8) **APPEAL NO. 00-113**

MICHAEL T. EGE, PAMELA I. UBERTI & ADAM
SUMINSKI, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2215 Powell Street.
[Zoning Administrator determination
[dated June 29, 2000, that the extension
[of the Conditional Use Authorization
[dated November 27, 1996 (Case No.
[91.373C) for a full service restaurant
[and bar has not been abandoned and is
[still valid provided all renovations are
[complete and a final Certificate of
[Occupancy is obtained and the
[establishment reopened within six
[months of the ABC's ruling, otherwise a
[new CU application must be submitted.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **UPHOLD** the subject determinatio with the **FINDING** that there has been no abandonment of the Conditional Use Authorization.

SPEAKERS: **1.** Larry Badiner, ZA, explained the reasoning behind his determination. **2.** Michael Ege co-appellant, explained his opposition to the determination and to the nightclub in general. **3.** Ada Suminski, co-appellant, also conveyed his opposition to the determination and the nightclub. **4.** Arie Basse, agent for the project sponsor, urged the Board to uphold the determination. **5.** Rober Barbagelata, co-owner of the subject property, also urged the Board to uphold the determination and t also include a finding that there has been no abandonment of the Conditional Use Authorization **Public Comment for the Appellants:** Joe Luttrell.

Items 9 and 10 were heard together:

(9) **APPEAL NO. 00-114**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated June 29, 2000 that a second
[kitchen can be installed in the one-
[family house only as part of a second
[unit and, with the current parking
[configuration in the garage, only if an
[off-street parking variance is sought and
[granted by the Zoning Administrator.
[FOR HEARING TODAY.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 20, 2000

(10) **APPEAL NO. 00-124**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated July 19, 2000 that the proposed
[greenhouse on the existing rear deck
[cannot be approved without additional
[accurate drawings and a site plan,
[notification under Planning Code
[Section 311, submittal of a copy of the
[approved permit application and
[drawings for the existing lower deck,
[and the five foot setback on each side
[of the greenhouse must be open to the
[sky requiring relocation of the existing
[stair and landing.
[APPLICATION NO. 2000/04/25/8211.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** both determinations.

SPEAKERS: **1.** Larry Badiner, ZA, explained the reasoning of his determinations. **2.** Larry Paul, agent for the appellant, urged the Board to overrule both determinations.
Public Comment: None.

(11) **APPEAL NO. 00-093**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[250 Brannan Street.
[Zoning Administrator's determination
[dated June 7, 2000 that the use classi-
[fication of DoubleClick, Inc., an Internet
[company specializing in development of
[software solutions for Internet publishers
[and advertisers which intends to operate
[in a Service/Secondary Office (SSO)
[zoning district, is a Business Service
[under Planning Code Section 890.11
[and is exempt from Section 321
[requirements, and is a permitted use in
[the SSO district.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. The Board was polled as to whether the environmental impact report (EIR) was reviewed and considered. All four members present answered "aye." Afterwards, upon motion by Commissioner El Qadah, the Board voted 4-0-1 (Commissioner McInerney recused) to **UPHOLD** the subject determination.

SPEAKERS: **1.** Larry Badiner, ZA, explained the reasoning of his determination. **2.** Sue Hestor, attorney for the appellant, urged the Board to overrule this determination because her group believes that DoubleClick, Inc. is not a business service and is instead office use under the Planning Code.

3. Joel Yodowitz, attorney for the project sponsor, asked the Board to uphold the ZA's determination with no modifications.

There being no further business, President Chin adjourned the meeting at 10:49 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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Agenda

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 27, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Revocation of Taxicab Medallion No. 942. Letter from Cindy Lee, attorney for Matthew Wong, appellant requesting rehearing of Appeal No. 00-036, heard July 12, 2000. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner El Qadah dissented) to **UPHOLD** the revocation. Four votes being necessary to overturn any departmental action, the Taxicab Commission's decision to revoke the appellant's medallion was **UPHELD**.

ITEM B: 1050 - 17th Street. Letter from Sue C. Hestor, attorney for Committee for Jobs Arts and Housing, appellant requesting rehearing of Appeal No. 00-119, heard September 6, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the subject site permit for 19 live/work units.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: 347 Guttenberg Street. Letter from Dolores Salomon requesting that the Board take jurisdiction over Building Permit Application No. 9702930S issued to William DeMartini to erect a two-story single-family dwelling.

Date issued	July 18, 2000
Last day to appeal	August 2, 2000
Request for jurisdiction	September 6, 2000

(4) **APPEAL NO. 00-127**

FRED ARKEDER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 1 2000, of
[Taxicab Medallion #712.
[RESOLUTION NO. 2000-62.
[FOR HEARING TODAY.

(5) **APPEAL NO. 99-073**

FRANK DAIJO, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[470 – 25th Avenue.
[Protesting issuance on April 22, 1999, to
[Hugo Villavicencio, permit to Alter a
[Building (replace kitchen cabinets, sink,
[countertops, linoleum floor, window;
[replace bathroom tub, sink, cabinets,
[tile floor, repaint and repair floors).
[APPLICATION NO. 9907772.
[FOR REHEARING TODAY.

Items (6A) and (6B) shall be heard together

(6A) **APPEAL NO. 00-125**

ELIZABETH W. MOORE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[479 Prentiss Street.
[Protesting issuance on July 19, 2000, to
[Joseph Tan, permit to Demolish a
[Building (single-family dwelling).
[APPLICATION NO. 9923023.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 00-126**

ELIZABETH W. MOORE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[479 Prentiss Street.
[Protesting issuance on July 19, 2000, to
[Joseph Tan, permit to Erect a Building
[(three-story single family dwelling).
[APPLICATION NO. 9923022S.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-090**

HAYES VALLEY PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[529 Hayes Street.
[Notice of Violation issued by the Zoning
[Administrator dated June 6, 2000,
[requiring that Hayes Valley Properties
[immediately eliminate the advertising
[office use on the ground floor, and
[provide documentation that the violation
[has been abated within 15 days from
[the date of the Notice, under Planning
[Code Sections 790.106 and 790.108.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherin Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible

Minutes of the hearing are available in alternative formats. If you require the use of a reader durin the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or relate disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In orde to assist the City's efforts to accommodate such people, attendees at public meetings are reminde that other attendees may be sensitive to various chemical based products. Please help the City t accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUN Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Mark Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessibl services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Po Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the publi Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people ar that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francis Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Ta Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, S Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-m **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of t Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individu and entities that influence or attempt to influence local legislative or administrative action that th may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.5 to register and report lobbying activity. For more information about the Lobbyist Ordinance, ple contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE
SAN FRANCISCO BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 27, 2000
5:30 P.M., CITY HALL, ROOM 416
1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

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PRESENT: President Arnold Chin, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Larry Badiner, Zoning Administrator; Sean McNulty, Chief Building Inspector, Department of Building Inspection; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection; Tom Owen, Deputy City Attorney representing the Taxicab Commission; and Sgt. Simpson of the Police Department's Taxi Detail, also representing the Taxicab Commission.

ABSENT: Vice President Saunders; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Secretary for the Board.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Barry Taranto urged the Board to uphold the medallion revocations issued by the Taxicab Commission.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: **1.** President Chin apologized for the absence of Vice President Saunders and asked that Board members request transcripts of hearings through him. **2.** Commissioner McInerney thanked the staff for their help during Mr. Feldman's absence.

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Revocation of Taxicab Medallion No. 942. Letter from Cindy Lee, attorney for Matthew Wong, appellant requesting rehearing of Appeal No. 00-036, heard July 12, 2000. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner El Qadah dissented) to **UPHOLD** the revocation. Four votes being necessary to overturn any departmental action, the Taxicab Commission's decision to revoke the appellant's medallion was UPHELD.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Saunders absent) to **RESCHEDULE** the matter to **November 15, 2000**.

SPEAKERS: **1.** Cindy Lee, attorney for appellant, requested a rescheduling to November 15th so her client could take advantage of a full Board. **2.** Tom Owen, Deputy City Attorney representing the Taxicab Commission, agreed to the rescheduling.

ITEM B: 1050 - 17th Street. Letter from Sue C. Hestor, attorney for Committee for Jobs Arts and Housing, appellant requesting rehearing of Appeal No. 00-119, heard September 6, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the subject site permit for 19 live/work units.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Vice President Saunders absent) to **RESCHEDULE** the matter to **October 4, 2000**, and for it to be placed on the calendar as Item 3A.

SPEAKERS: 1. Alice Barkley, attorney for the permit holder, agreed to the rescheduling of the matter. **2.** Sue Hestor, attorney for the appellant, was not present.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: 347 Guttenberg Street. Letter from Dolores Salomon requesting that the Board take jurisdiction over Building Permit Application No. 9702930S issued to William DeMartini to erect a two-story single-family dwelling.

Date issued	July 18, 2000
Last day to appeal	August 2, 2000
Request for jurisdiction	September 6, 2000

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Vice President Saunders absent) to **GRANT** jurisdiction thus creating a new 15-day appeal period, and for the substantive appea to be scheduled for hearing three weeks from the date of filing.

SPEAKERS: 1. Dolores Salomon, requestor, urged the Board to grant her a new 15-day appeal period because of defects in the posting of the building permit application. **2.** William DeMartini, permit holder, asked the Board to deny jurisdiction so his project could continue without delay.

(4) APPEAL NO. 00-127

FRED ARKEDER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 1 2000, of
[Taxicab Medallion #712.
[RESOLUTION NO. 2000-62.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Vice President Saunders absent) to **RESCHEDULE** the matter to **November 15, 2000.**

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 27, 2000

SPEAKERS: **1.** Geoffrey Rotwein, attorney for appellant, asked that the matter be rescheduled to November 15th so his client could take advantage of a full Board. **2.** Tom Owen, Deputy City Attorney representing the Taxicab Commission, agreed to the rescheduling.

(5) **APPEAL NO. 99-073**

FRANK DAIJO, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[470 – 25th Avenue.
[Protesting issuance on April 22, 1999, to
[Hugo Villavicencio, permit to Alter a
[Building (replace kitchen cabinets, sink,
[countertops, linoleum floor, window;
[replace bathroom tub, sink, cabinets,
[tile floor, repaint and repair floors).
[APPLICATION NO. 9907772.
[FOR REHEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellant prior to hearing.

Items (6A) and (6B) were heard together

(6A) **APPEAL NO. 00-125**

ELIZABETH W. MOORE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[479 Prentiss Street.
[Protesting issuance on July 19, 2000, to
[Joseph Tan, permit to Demolish a
[Building (single-family dwelling).
[APPLICATION NO. 9923023.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 00-126**

ELIZABETH W. MOORE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[479 Prentiss Street.
[Protesting issuance on July 19, 2000, to
[Joseph Tan, permit to Erect a Building
[(three-story single family dwelling).
[APPLICATION NO. 9923022S.
[FOR HEARING TODAY.

ACTION: The matters were **WITHDRAWN** by the appellant prior to hearing.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, SEPTEMBER 27, 2000

(7) **APPEAL NO. 00-090**

HAYES VALLEY PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[529 Hayes Street.
[Notice of Violation issued by the Zoning
[Administrator dated June 6, 2000,
[requiring that Hayes Valley Properties
[immediately eliminate the advertising
[office use on the ground floor, and
[provide documentation that the violation
[has been abated within 15 days from
[the date of the Notice, under Planning
[Code Sections 790.106 and 790.108.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Saunders absent) to **RESCHEDULE** the matter to **October 25, 2000**.

SPEAKERS: **1.** Matthew Kessler, agent for appellant, requested the rescheduling because he wanted more time to prepare for the hearing. **2.** Larry Badiner, ZA, agreed to the rescheduling.

There being no further business, President Chin adjourned the meeting at 6:35 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, OCTOBER 4, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING:** 1050 - 17th Street. Letter from Sue C. Hestor, attorney for Committee for Jobs Arts and Housing, appellant requesting rehearing of Appeal No. 00-119, heard September 6, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the subject site permit for 19 live/work units.

(4) **APPEAL NO. 00-104**

JUN WAI CHIN, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on June 21, 2000, of
[Taxicab Medallion #797.
[RESOLUTION NO. 2000-49.
[FOR HEARING TODAY.

(5) **APPEAL NO. 00-139**

STEVEN F. ECKERSLEY, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 14, 2000, of
[Driver Public Vehicle for Hire Permit
[#86365.
[RESOLUTION NO. 2000-70.
[FOR HEARING TODAY.

(6) **APPEAL NO. 99-085**

MARK BORSUK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1626 Vallejo Street.
[Denial on May 24, 1999, of permit to
[Alter a Building (new deck, window and
[firewall).
[APPLICATION NO. 9810583.
[PUBLIC HEARING HELD AND
[CLOSED JULY 14, 1999.
[FOR FURTHER CONSIDERATION
[TODAY.

(7) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2234-2236 Francisco Street.
[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappaca-
[sse, permit to Alter a Building (remove
[walls to provide parking spaces and
[remove daycare facility).
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18,
[1999.
[FOR FURTHER HEARING TODAY.

(8) **CONSENT ITEMS:** With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(A) **APPEAL NO. 00-140**

PETER LARSEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[253-263 Laguna Street.
[Imposition of Penalty on August 29,
[2000.
[APPLICATION NO. 2000/06/16/2849.
[FOR HEARING TODAY.

(B) **APPEAL NO. 00-149**

DANNY CHIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[629-631 44th Avenue.
[Imposition of Penalty on August 29,
[2000.
[APPLICATION NO. 2000/06/19/2995.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-077**

HIROHIDE & JONIE TAKATSUJI, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[326 – 18th Avenue.
[Denial on May 9, 2000, of permit to Alter
[a Building (construct two-car parking
[garage with roof deck at front and
[rebuild front stairs).
[APPLICATION NO. 9914207.
[FOR HEARING TODAY.

Items (10A) and (10B) shall be heard together

(10A) **APPEAL NO. 00-107**

PETER G. EUTENEUER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[829 De Haro Street.
[Denial on June 28, 2000, of permit to
[Demolish a Building (single-family
[dwelling).
[APPLICATION NO. 9907412.
[FOR HEARING TODAY.

(10B) **APPEAL NO. 00-108**

PETER G. EUTENEUER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[829 De Haro Street.
[Denial on June 28, 2000, of permit to
[Erect a Building (two-unit four-story
[dwelling).
[APPLICATION NO. 9907413S.
[FOR HEARING TODAY.

(11) **APPEAL NO. 00-103**

TERRANCE ALLAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[561 Baker Street.
[Protesting issuance on May 11, 2000,
[and suspension June 30, to Robert
[Sigmund, permit to Alter a Building
[(remove top floor of occupancy to
[include bedroom, kitchen, bathrooms;
[remove private computer room in
[basement; provide one hour fire-rated
[door to boiler room; remove obstruction
[from rear stair).
[APPLICATION NO. 2000/04/11/6894.
[FOR HEARING TODAY.

(12) **APPEAL NO. 00-131**

MARK & LILLIANE BORSUK, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1624 Vallejo Street.
[Protesting issuance on July 28, 2000, to
[Enzo Spaccia, permit to Alter a Building
[(alter existing deck per Planning Dept.
[rear structure setback requirement).
[APPLICATION NO. 9814775.
[FOR HEARING TODAY.

(13) **APPEAL NO. V00-129**

MICHAEL TSANG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[21 Castenada Avenue.
[Appeal of Condition #1 of Minimum Lot
[Size Variance granted on August 7,
[2000 (construct a new single-family
[dwelling on an approximately 3,400 s.f.
lot with the condition that the project
[sponsor provide additional sunlight
[access to existing windows on the north
[wall of 25 Castenada Avenue, via a
[matching light well, additional building
[set back on the south side, or a step
[back on the top floor as good neighbor
[gestures).
[VARIANCE CASE NO. 99.645V.
[FOR HEARING TODAY.

(14) **APPEAL NO. V00-130**

GLORIA NAJAR & ARMANDO VASQUEZ, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[1247 Florida Street.
[Denial of Front Setback Variance (to
[allow a new porch and stairs to extend
[further into the front setback than the
[existing porch).
[VARIANCE CASE NO. 2000.405V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

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PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES FOR THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 4, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

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PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah who left the meeting early at 9:45 pm, and Commissioner John McInerney.

Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); Sean McNulty, Chief Building Inspector, Department of Building Inspection (CBI, DBI); Thomas Owen, Deputy City Attorney representing the Taxicab Commission (DCA); and Sgt. Vince Simpson of the Police Department's Taxi Detail, also representing the Taxicab Commission.

ABSENT: Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Secretary for the Board.

(1) PUBLIC COMMENT: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Barry Taranto of the United Taxicab Workers urged the Board to uphold the medallion revocations issued by the Taxicab Commission.

(2) COMMISSIONERS COMMENTS AND QUESTIONS.

SPEAKER: President Chin informed the audience that he would impose a per person limit of two minutes for public comment because Commissioner El Qadah had to leave by 9:30 pm.

(3) REQUEST FOR REHEARING: 1050 - 17th Street. Letter from Sue C. Hestor, attorney for Committee for Jobs Arts and Housing, appellant requesting rehearing of Appeal No. 00-119, heard September 6, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0-1 (Commissioner Cullum absent) to **GRANT** the subject site permit for 19 live/work units.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: **1.** Sue Hestor, attorney for appellant, urged the Board to grant a rehearing based on her assertion that Ciaran Harty, permit holder, had illegally rented out some of his other live/work projects as 100% office space and would do the same with the subject project. **2.** John de Castro, agent for the appellant, presented pictures and described a visit to one of Mr. Harty's live/work projects to back up Ms. Hestor's assertion. **3.** Alice Barkley, attorney for the permit holder, urged the Board to deny this request for rehearing because there was no new evidence that satisfied the rule for granting a rehearing. **4.** Joe O'Donoghue, agent for the permit holder, also urged the Board to deny this request for rehearing.
5. Lawrence Badiner, ZA, answered questions from the Board concerning the legal uses of live/work projects.

(4) **APPEAL NO. 00-104**

JUN WAI CHIN, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on June 21, 2000, of
[Taxicab Medallion #797.
[RESOLUTION NO. 2000-49.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 3-2 (Commissioner Cullum and Commissioner McInerney dissented) to overrule the Taxicab Commission and replace the revocation with a four-month suspension. Four votes being necessary to overturn any departmental action, the motion **FAILED** and the subject revocation was **UPHELD**.

SPEAKERS: **1.** Thomas Owen, DCA, described the appellant's driving record in relation to Prop. K and asked the Board to uphold the subject revocation. **2.** Wing Lee, agent for appellant, conveyed his client's feelings that the Taxicab Commission's action was too harsh. **3.** Jun Wai Chin, appellant, answered questions from various Commissioners.

(5) **APPEAL NO. 00-139**

STEVEN F. ECKERSLEY, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 14, 2000, of
[Driver Public Vehicle for Hire Permit
[#86365.
[RESOLUTION NO. 2000-70.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the subject revocation.

SPEAKERS: **1.** Thomas Owen, DCA, described the actions of the appellant that led to the revocation of his permit. 2. Officer Teresa Ewins, Police Department, conveyed her opinion that the appellant poses a public safety threat to his passengers. **The appellant was not present at the hearing.**

(6) **APPEAL NO. 99-085**

MARK BORSUK, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1626 Vallejo Street.
[Denial on May 24, 1999, of permit to
[Alter a Building (new deck, window and
[firewall).
[APPLICATION NO. 9810583.
[PUBLIC HEARING HELD AND
[CLOSED JULY 14, 1999.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: This matter was continued to the indefinite calendar or **CALL OF THE CHAIR** at the request of President Chin.

SPEAKERS: **1.** Lawrence Badiner, ZA, gave an update about the issue concerning the subdivision of the subject property. **2.** Mark Borsuk, appellant, also spoke about the same issue.

(7) **APPEAL NO. 99-035**

LUCINDA HAMPTON, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2234-2236 Francisco Street.
[Protesting issuance on November 12,
[1998, to John and Evelyn Schiappaca-
[sse, permit to Alter a Building (remove
[walls to provide parking spaces and
[remove daycare facility).
[APPLICATION NO. 9823286.
[JURISDICTION GRANTED MARCH 18,
[1999.
[FOR FURTHER HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **December 13, 2000** with the prior written consent of both parties.

SPEAKERS: None.

(8) **CONSENT ITEMS:** With the consent of the Department of Building Inspection, the Board will proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

(A) **APPEAL NO. 00-140**

PETER LARSEN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[253-263 Laguna Street.
[Imposition of Penalty on August 29,
[2000.
[APPLICATION NO. 2000/06/16/2849.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **REDUCE** the subject penalty to two times the regular fee of $150.80 for a total of $301.60.

SPEAKERS: The appellant was present but did not speak.

(B) **APPEAL NO. 00-149**

DANNY CHIN, Appellant
vs.
DEPT. BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[629-631 44th Avenue.
[Imposition of Penalty on August 29,
[2000.
[APPLICATION NO. 2000/06/19/2995.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 5-0 to **REDUCE** the subject penalty to two times the regular fee of $118.30 for a total of $236.60.

SPEAKERS: The appellant was present but did not speak.

(9) **APPEAL NO. 00-077**

HIROHIDE & JONIE TAKATSUJI, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[326 – 18th Avenue.
[Denial on May 9, 2000, of permit to Alter
[a Building (construct two-car parking
[garage with roof deck at front and
[rebuild front stairs).
[APPLICATION NO. 9914207.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Planning Department and **GRANT** the subject alteration permit.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the reasons this permit was denied. **2.** Jeremy Paul, agent for appellants, urged the Board to grant the permit. **Public Comment for the Planning Department:** Anne Forell and Victor Romero. **Public Comment for the Appellants:** None.

Items (10A) and (10B) shall be heard together

(10A) **APPEAL NO. 00-107**

PETER G. EUTENEUER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[829 De Haro Street.
[Denial on June 28, 2000, of permit to
[Demolish a Building (single-family
[dwelling).
[APPLICATION NO. 9907412.
[FOR HEARING TODAY.

(10B) **APPEAL NO. 00-108**

PETER G. EUTENEUER, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[829 De Haro Street.
[Denial on June 28, 2000, of permit to
[Erect a Building (two-unit four-story
[dwelling).
[APPLICATION NO. 9907413S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Planning Department and **GRANT** the subject demolition permit. Then, upon motion by Commissioner

McInerney, the Board voted 5-0 to **OVERRULE** the Planning Department and **GRANT** the site permit on **CONDITION** that the height be reduced by five feet so as to reflect the revised plans in the appellant's brief and with a third floor setback of 15 feet.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the reasons for the denial of both permits. **2.** Peter Euteneuer, appellant, asked the Board to grant the permits per the revised plans. **3.** Greg Delory, agent for the appellant, also asked the Board to grant the subject permits. **Public Comment for the Planning Department:** Peter Rudolfi, Gary Klausner, Diana Conner, Julia Bergman, and Steven Nichelson. **Public Comment for the Appellant:** Michael Murphy, Joe O'Donoghue, Bill Sorensen, Edith Riney, and Barbara Presta.

(11) APPEAL NO. 00-103

TERRANCE ALLAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[561 Baker Street.
[Protesting issuance on May 11, 2000, [and suspension June 30, to Robert [Sigmund, permit to Alter a Building [(remove top floor of occupancy to [include bedroom, kitchen, bathrooms; [remove private computer room in [basement; provide one hour fire-rated [door to boiler room; remove obstruction [from rear stair).
[APPLICATION NO. 2000/04/11/6894.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **CLOSE** public testimony, to **CONTINUE** the matter to **November 15, 2000** with a report at that time from Chief Building Inspector Laurence Kornfield concerning the life/safety issues of the subject unit, and to **PARTIALLY GRANT** the subject permit with respect to the removal of the hot tub, deck and barbecue on the roof.

SPEAKERS: **1.** Steve Collier, agent for appellant, urged the Board to revoke this permit as it would constitute the eviction of his client. **2.** Terrance Allan, appellant, also urged the Board to revoke this permit and described the subject unit in detail. **3.** Laurence Kornfield, CBI, DBI, spoke about his department's contention that the subject unit either be removed or legalized under the current Codes by the subject property owner. **4.** Lawrence Badiner, ZA, described the zoning rules that apply to this subject property. **5.** Kevin Greenquist, attorney for the permit holder, urged the Board to uphold the permit. **Public Comment for the Appellant:** Joe O'Donoghue. **Public Comment for the Permit Holder:** None.

(12) APPEAL NO. 00-131

MARK & LILLIANE BORSUK, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1624 Vallejo Street.
[Protesting issuance on July 28, 2000, to [Enzo Spaccia, permit to Alter a Building [(alter existing deck per Planning Dept. [rear structure setback requirement).
[APPLICATION NO. 9814775.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to **GRANT** the subject permit with no modifications.

SPEAKERS: **1.** Mark Borsuk, co-appellant, outlined the reasons for the appeal and urged the Board to revoke the permit. **2.** Keith Ryan, agent for the permit holder, urged the Board to uphold the permit. 3. Enzo Spaccia, permit holder, also urged the Board to uphold the permit. **4.** Lawrence Badiner, ZA, defended the issuance of the permit. **5.** Lilliane Borsuk, co-appellant, also urged the Board to revoke this permit. **Public Comment for the Appellants:** None. **Public Comment for the Permit Holder:** Robert Kraehe and Jerry Brown.

(13) APPEAL NO. V00-129

MICHAEL TSANG, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[21 Castenada Avenue.
[Appeal of Condition #1 of Minimum Lot
[Size Variance granted on August 7,
[2000 (construct a new single-family
[dwelling on an approximately 3,400 s.f.
lot with the condition that the project
[sponsor provide additional sunlight
[access to existing windows on the north
[wall of 25 Castenada Avenue, via a
[matching light well, additional building
[set back on the south side, or a step
[back on the top floor as good neighbor
[gestures).
[VARIANCE CASE NO. 99.645V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the subject variance with a **FINDING** that Condition 1(a) of the said variance decision is satisfied by reducing the width of the building on the southerly side up to the easterly edge of the light well on 25 Castenada Avenue, with white reflective paint to be used on the side of the building facing the said light well on 25 Castenada Avenue.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the reasons behind Condition 1(a) of his variance decision. **2.** Jeremy Paul, agent for the variance holder, urged the Board to delete Condition 1(a) from the said variance decision. **3.** Michael Tsang, appellant, described the hardship he would suffer from Condition 1(a). **Public Comment for the ZA:** None. **Public Comment for the Appellant:** Joe O'Donoghue.

(14) APPEAL NO. V00-130

GLORIA NAJAR & ARMANDO VASQUEZ, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[1247 Florida Street.
[Denial of Front Setback Variance (to
[allow a new porch and stairs to extend
[further into the front setback than the
[existing porch).
[VARIANCE CASE NO. 2000.405V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner El Qadah absent) to **OVERRULE** the Zoning Administrator and **GRANT** the subject front setback variance, with **FINDINGS** to be prepared by the appellant and for adoption at a later date.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the reasons for the denial of this front setback variance. **2.** Armando Vasquez, co-appellant, urged the Board to grant the variance so they could modestly expand their home. **3.** Gloria Najar, co-appellant, also urged the Board to grant the variance.

There being no further business, President Chin adjourned the meeting at 10:04 p.m.

Arnold Y.K. Chin, President

Robert H. Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

Agenda

WEDNESDAY, OCTOBER 11, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

/11/00

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 00-084**

ROY CURRY, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on May 23, 2000, of Taxicab
[Medallion #856.
[RESOLUTION NO. 2000-034.
[FOR HEARING TODAY.

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 98-035**

VICTOR TWAL dba "BUDDIES", Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[498 Sanchez Street.
[Denial on February 13, 1998, of permit
[to Alter a Building (legalize 3' x 4' x 12'6"
[awning and sign installed without
[permit).
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

(4B) **APPEAL NO. 99-197**

MICHAEL CRAWFORD & TOM HANUS,
dba "CHAT CAFÉ", Appellant
vs.
DEPARTMENT OF PUBLIC WORKS, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[498 Sanchez Street.
[Denial on December 7, 1999, of permit
[for 12 chairs on sidewalk.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 00-088**

IRON WORKS LOFT VENTURES, INC., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1201 Harrison Street.
[Protesting issuance on May 23, 2000, to
[Equilon Enterprises, LLC, permit to
[Demolish a Building (food mart and
[gasoline fueling facility).
[APPLICATION NO. 9923713.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 00-089**

IRON WORKS LOFT VENTURES, INC., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1201 Harrison Street.
[Protesting issuance on May 23, 2000, to
[Equilon Enterprises, LLC, permit to
[Erect a Building (car wash, retail
[sales/food mart).
[APPLICATION NO. 9919529.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-136**

ERIN MURPHY, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[98 Ina Court.
[Protesting issuance on August 9, 2000,
[to Stella Chiu, permit to Erect a Building
[(two-story single-family dwelling).
[APPLICATION NO. 9902892S.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-132**

J. CHRISTIAN GOMEZ & JENNIFER FIORILLO dba
"POW! A COCKTAIL LOUNGE", Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[101 – 6th Street.
[Denial by Zoning Administrator on July
[31, 2000, of Police Permit Inspection
[Recommendation to allow deejays to
[play music, a use classified as
["Nighttime Entertainment" under
[Planning Code Section 102.17; under
[Planning Code Section 815.37 such use
[is not permitted in the RSD zoning
[district.
[FOR HEARING TODAY.

Items (8A) and (8B) shall be heard together

(8A) **APPEAL NO. 00-152**

COALITION FOR JOBS, ARTS AND HOUSING,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[200 Townsend Street.
[Protesting issuance on August 28, 2000,
[to 200 Townsend LLC, permit to Erect a
[Building (51 live/work units).
[APPLICATION NO. 2000/05/09/9478S.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 00-155**

COALITION FOR JOBS, ARTS AND HOUSING,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[202 Townsend Street.
[Protesting issuance on August 28, 2000,
[to 200 Townsend LLC, permit to
[Demolish a Building (restaurant/bar).
[APPLICATION NO. 2000/06/21/3283.
[FOR HEARING TODAY.

Items (9A) and (9B) shall be heard together

(9A) **APPEAL NO. 00-150**

MISSION ANTI-DISPLACEMENT COALITION,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2407 Harrison Street.
[Protesting issuance on August 26, 2000,
[to F. Javier Alvarez, permit to Demolish
[a Building (manufacturing/office).
[APPLICATION NO. 9916237.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 00-151**

MISSION ANTI-DISPLACEMENT COALITION,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2407 Harrison Street.
[Protesting issuance on August 26, 2000,
[to F. Javier Alvarez, permit to Erect a
[Building (20 live/work units).
[APPLICATION NO. 9916238S.
[FOR HEARING TODAY.

(10) **APPEAL NO. 00-134**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[460 Townsend Street.
[Zoning Administrator determination
[dated August 2, 2000 that Parachute,
[Inc., a parcel shipping and Internet tech-
[nology company is classified as a
["business service" use permitted in the
[SLI zoning district under Planning Code
[Section 817, and that this proposed use
[satisfies the parking requirements of the
[Planning Code.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public Commissions, boards, councils and other agencies of the City and County exist to conduct th people's business. This ordinance assures that deliberations are conducted before the people an that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisc Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Tas Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, Sa Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-ma **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of th Sunshine Task Force, the San Francisco Public Library, and on the City's web site **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individual and entities that influence or attempt to influence local legislative or administrative action that the may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.53 to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleas contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fa (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, OCTOBER 11, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); Thomas Owen, Deputy City Attorney representing the Taxicab Commission (DCA); and Sgt. Vince Simpson of the Police Department's Taxi Detail, also representing the Taxicab Commission.

ABSENT: Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Secretary for the Board.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: None.

(3) **APPEAL NO. 00-084**

ROY CURRY, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on May 23, 2000, of Taxicab
[Medallion #856.
[RESOLUTION NO. 2000-034.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **RESCHEDULE** the matter to **November 15, 2000**, with final rebuttal statements due by Thursday, October 19th, by 4 p.m.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 11, 2000

SPEAKERS: 1. James Margolis, attorney for appellant, requested a rescheduling of the matter from the Board. 2. Thomas Owen, DCA, agreed to the rescheduling.

Items (4A) and (4B) were heard together

(4A) **APPEAL NO. 98-035**

VICTOR TWAL dba "BUDDIES", Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[498 Sanchez Street.
[Denial on February 13, 1998, of permit
[to Alter a Building (legalize 3' x 4' x 12'6"
[awning and sign installed without
[permit).
[APPLICATION NO. 9723854.
[FOR HEARING TODAY.

(4B) **APPEAL NO. 99-197**

MICHAEL CRAWFORD & TOM HANUS,
dba "CHAT CAFÉ", Appellant
vs.
DEPARTMENT OF PUBLIC WORKS, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[498 Sanchez Street.
[Denial on December 7, 1999, of permit
[for 12 chairs on sidewalk.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **RESCHEDULE** both matters to **January 10, 2001**.

SPEAKERS: None.

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 00-088**

IRON WORKS LOFT VENTURES, INC., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1201 Harrison Street.
[Protesting issuance on May 23, 2000, to
[Equilon Enterprises, LLC, permit to
[Demolish a Building (food mart and
[gasoline fueling facility).
[APPLICATION NO. 9923713.
[FOR HEARING TODAY.

(5B) **APPEAL NO. 00-089**

IRON WORKS LOFT VENTURES, INC., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1201 Harrison Street.
[Protesting issuance on May 23, 2000, to
[Equilon Enterprises, LLC, permit to
[Erect a Building (car wash, retail
[sales/food mart).
[APPLICATION NO. 9919529.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner McInerney abstained to **RECUSE** Commissioner McInerney. Then, upon motion by Commissioner Cullum, the Board votec

4-0-1 (Commissioner McInerney recused) to **RESCHEDULE** both matters to **November 29, 2000** with the agreement of both parties.

(6) **APPEAL NO. 00-136**

ERIN MURPHY, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[98 Ina Court.
[Protesting issuance on August 9, 2000,
[to Stella Chiu, permit to Erect a Building
[(two-story single-family dwelling).
[APPLICATION NO. 9902892S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **GRANT** the subject permit with the following **CONDITIONS**: **1**) That the findings and conclusions of the soil report be adopted as part of the Board's decision; **2**) That the project sponsor erect a temporary barricade so as to contain the subsurface soils that result from the boring; **3**) That the project sponsor pay the cost of sealing the appellant's property line windows according to all Building Code standards and requirements; **4**) That the project sponsor pay the cost of properly ventilating the appellant's bathroom and installing a skylight in said bathroom; **5**) And that the project sponsor give the appellant a copy of the said soil report.

SPEAKERS: **1.** Erin Murphy, appellant, outlined the reasons for the appeal. **2.** Dan Sullivan agent for the permit holder, urged the Board to uphold the permit. **3.** Laurence Kornfield, CBI, DBI, spoke about the contents of the soil report and the plans. **Public Comment for the Appellant:** Frank Pandolfi, and Nick Lobuglio. **Public Comment for the Permit Holder:** Coriune Barreca.

(7) **APPEAL NO. 00-132**

J. CHRISTIAN GOMEZ & JENNIFER FIORILLO dba
"POW! A COCKTAIL LOUNGE", Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[101 – 6th Street.
[Denial by Zoning Administrator on July
[31, 2000, of Police Permit Inspection
[Recommendation to allow deejays to
[play music, a use classified as
["Nighttime Entertainment" under
[Planning Code Section 102.17; under
[Planning Code Section 815.37 such use
[is not permitted in the RSD zoning
[district.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the denial with a **FINDING** that the permit request is for a permit to operate the music system as this has been a pre-existing non-conforming use, and on **CONDITION** that the individual operating the music system not be advertised as a deejay.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the reasons for the denial. **2.** Jennifer Fiorillo, co-appellant, urged the Board to overrule the denial. **3.** Officer Rose Meyer, Police Department, explained the basis of the recommendation by the Police Permit Center. **4.** J. Christian Gomez, co-appellant, also urged the Board to overrule the denial. **Public Comment for the ZA:** None. **Public Comment for the Appellants:** Joe O'Donoghue, Peter Glikshtern, Jeremy Wall, Todd Christenson, Jesse Martin, Maer Israel, Timothy Taylor, and James Prichason.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 11, 2000

Items (8A) and (8B) were heard together

(8A) **APPEAL NO. 00-152**

COALITION FOR JOBS, ARTS AND HOUSING,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[200 Townsend Street.
[Protesting issuance on August 28, 2000,
[to 200 Townsend LLC, permit to Erect a
[Building (51 live/work units).
[APPLICATION NO. 2000/05/09/9478S.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 00-155**

COALITION FOR JOBS, ARTS AND HOUSING,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[202 Townsend Street.
[Protesting issuance on August 28, 2000,
[to 200 Townsend LLC, permit to
[Demolish a Building (restaurant/bar).
[APPLICATION NO. 2000/06/21/3283.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 1-4 (President Chin, Vice President Saunders, Commissioner El Qadah and Commissioner McInerney dissented) to grant both permits on condition that five of the 51 subject units be set aside for low income/working people, with a report from the Office of the City Attorney on how these five units could be allocated to low income people/working people. Four votes being necessary to impose any conditions on a permit, the motion **FAILED** and the subject permits were **UPHELD** with no conditions.

SPEAKERS: **1.** Sue Hestor, attorney for the appellant, outlined the reasons for the appeal. **2.** Alice Barkley, attorney for the permit holder, urged the Board to grant both permits. **3.** Lawrence Badiner, ZA, addressed concerns raised by the principals. **Public Comment for the Appellant:** Alan Teague. **Public Comment for the Permit Holder:** Joe O'Donoghue.

Items (9A) and (9B) shall be heard together

(9A) **APPEAL NO. 00-150**

MISSION ANTI-DISPLACEMENT COALITION,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2407 Harrison Street.
[Protesting issuance on August 26, 2000,
[to F. Javier Alvarez, permit to Demolish
[a Building (manufacturing/office).
[APPLICATION NO. 9916237.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 00-151**

MISSION ANTI-DISPLACEMENT COALITION,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2407 Harrison Street.
[Protesting issuance on August 26, 2000,
[to F. Javier Alvarez, permit to Erect a
[Building (20 live/work units).
[APPLICATION NO. 9916238S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. Then, upon motion by Vice President Saunders, the Board voted 3-1 (Commissioner Cullum dissented) to **RESCHEDULE** both matters to **October 18, 2000**, with waiver of the right of response by the permit holder, and for the matters to be placed as the first case on the said calendar, and with the appellant's final response to be delivered to the permit holder by 12:00 p.m., October 17, 2000.

SPEAKERS: **1.** Sue Hestor, attorney for the appellant, requested that both matters be rescheduled to November 1, 2000 due to what she felt was a lack of notice concerning the acceleration of the hearing dates for these matters. **2.** Joel Yodowitz, attorney for the permit holder, urged the Board to deny Ms. Hestor's request and instead hear the matters on October 18th or October 25th . **Public Comment for the Permit Holder:** Alice Barkley and Joe O'Donoghue.

(10) APPEAL NO. 00-134

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[460 Townsend Street.
[Zoning Administrator determination
[dated August 2, 2000 that Parachute,
[Inc., a parcel shipping and Internet tech-
[nology company is classified as a
["business service" use permitted in the
[SLI zoning district under Planning Code
[Section 817, and that this proposed use
[satisfies the parking requirements of the
[Planning Code.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. Afterwards, the appellant **WITHDREW** the appeal after public testimony.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the reasoning behind the subject determination. **2.** Joel Yodowitz, attorney for the project sponsor, urged the Board to uphold the subject determination. **3.** Sue Hestor, attorney for the appellant, outlined her concerns with the subject determination and then withdrew the appeal. **4.** Craig Walker, project sponsor, described the operations of Parachute, Inc.

There being no further business, President Chin adjourned the meeting at 9:49 p.m.

Arnold Y.K. Chin, President

Robert H Feldman
Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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Attn: Terry Gwiazdowsky

Agenda

30

18/00

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 18, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: 2258 Beach Street. Letter from Mark S. Hennigh, attorney for Richard Garcia, appellant, requesting rehearing of Appeal Nos. 00-114 and 00-124, heard September 20, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** both determinations denying permission to construct a second kitchen in a single-family dwelling and approval of a proposed greenhouse on an existing rear deck.

ITEM B: 537 Divisadero Street. Letter from Thomas F. Chan, attorney for Monetary Management of California, dba "Payday Loans Money Mart Checks Cashed", appellant requesting rehearing of Appeal No. 00-102, heard September 20, 2000. Upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to **GRANT** the subject permit on **CONDITION** that the size of the words "Money Mart" and "Western Union" stay unchanged, and with the words "Check Cashing" and "Payday Loans" be displayed underneath the words "Money Mart" and "Western Union" with no greater than two inch type face.

ITEM C: Revocation of driver of public vehicle permit #86365. Letter from Steven F. Eckersley, appellant, requesting rehearing of Appeal 00-139, heard October 4, 2000. Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the subject revocation.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: 260 Golden Gate Avenue. Letter from Yee Sun Chiang and Chan Chi Chiang requesting that the Board take jurisdiction over Building Permit Application No. 2000/07/12/4905 issued to the City and County of San Francisco for construction of a family residence (bedrooms, bathrooms, electrical, HVAC, plumbing and kitchen).

Date issued	September 18, 2000
Last day to appeal	October 3, 2000
Request for jurisdiction	October 4, 2000

Items (4A) and (4B) shall be heard together

(4A) **APPEAL NO. 00-150**

MISSION ANTI-DISPLACEMENT COALITION,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2407 Harrison Street.
[Protesting issuance on August 26, 2000,
[to F. Javier Alvarez, permit to Demolish
[a Building (manufacturing/office).
[APPLICATION NO. 9916237.
[FOR HEARING TODAY.

(4B) **APPEAL NO. 00-151**

MISSION ANTI-DISPLACEMENT COALITION, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2407 Harrison Street.
[Protesting issuance on August 26, 2000, [to F. Javier Alvarez, permit to Erect a [Building (20 live/work units).
[APPLICATION NO. 9916238S.
[FOR HEARING TODAY.

(5) **APPEAL NO. 00-032**

DAVID BAKER & JANE MARTIN, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[337-339 Shotwell Street.
[Determination by the Zoning [Administrator dated February 16, 2000 [that denies request to designate [combined office and storage Limited [Commercial Use space as one [commercial space; denies request that [the apartment area be 375 s.f.; denies [request that the stables/carriage house [footprint be reduced to its original [dimensions of approximately 20 x 25 [feet; and denies request that the [stable/carriage house be used as a [workshop.
[PUBLIC HEARING CLOSED AFTER [TESTIMONY APRIL 12, 2000.
[FOR FURTHER CONSIDERATION [TODAY.

(6) **APPEAL NO. 00-122**

BLOCKBUSTER, INC., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1552 Polk Street.
[Denial on July 28, 2000, of permit to [Alter a Building (tenant improvement to [existing retail space including new [partitions, lighting, finishes, casework, [HVAC unit and distribution; no fire [sprinklers, signage or structural work).
[APPLICATION NO..9925357.
[FOR HEARING TODAY.

(7) **APPEAL NO. 00-137**

MICHAEL T. WELCH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2067 - 2069 Green Street.
[Protesting issuance on August 9, 2000, [to Hilda Lai, permit to Alter a Building [(remove kitchens at basement level; [revert to last legal use as two-family [dwelling).
[APPLICATION NO. 2000/06/28/3945.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-145**

DAVID FINK, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[415 Bryant Street.
[Protesting issuance on August 17, 2000, [to Angus McCarthy, permit to Erect a [Building (eight live/work units).
[APPLICATION NO. 2000/04/17/7472S.
[FOR HEARING TODAY.

(9) **APPEAL NO. V00-146**

SEVERINA GANILAO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[185 Sadowa Street.
[Denial on August 23, 2000, of Rear
[Yard Variance (add bedrooms to an
[existing, detached, one-story, legal non-
[complying structure located behind an
[existing single-family dwelling in the
[required rear yard).
[VARIANCE CASE NO. 2000.339V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
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EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

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Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

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Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, OCTOBER 18, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney (DCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); and Thomas Owen, Deputy City Attorney representing the Taxicab Commission (DCA).

ABSENT: Robert Feldman, Executive Secretary for the Board.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to add November 8th as a meeting date, and to cancel the November 29th meeting.

(3) **MATTERS FOR CONSIDERATION AND OTHER CORRESPONDENCE**:

REQUESTS FOR REHEARING:

ITEM A: 2258 Beach Street. Letter from Mark S. Hennigh, attorney for Richard Garcia, appellant, requesting rehearing of Appeal Nos. 00-114 and 00-124, heard September 20, 2000. Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** both determinations denying permission to construct a second kitchen in a single-family dwelling and approval of a proposed greenhouse on an existing rear deck.

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 18, 2000

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. Then, upon motion by President Chin, the Board voted 4-0-1 (Commissioner McInerney recused) to **GRANT** the request for rehearing and to schedule said rehearing for **November 8, 2000**.

SPEAKERS: 1. Adam Siegman, agent for requestor/appellant, requested a rehearing based on his assertion that Commissioner McInerney should have recused himself at the original hearing. 2. Larry Paul, requestor/appellant, also urged the Board to grant a rehearing.

ITEM B: 537 Divisadero Street. Letter from Thomas F. Chan, attorney for Monetary Management of California, dba "Payday Loans Money Mart Checks Cashed", appellant requesting rehearing of Appeal No. 00-102, heard September 20, 2000. Upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to **GRANT** the subject permit on **CONDITION** that the size of the words "Money Mart" and "Western Union" stay unchanged, and with the words "Check Cashing" and "Payday Loans" be displayed underneath the words "Money Mart" and "Western Union" with no greater than two inch type face.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **RESCHEDULE** the matter to **December 6, 2000**.

SPEAKER: 1. Thomas Chan, attorney for the requestor/permit holder, agreed to the rescheduling to allow Judith Boyajian, DCA, to review the case file.

ITEM C: Revocation of driver of public vehicle permit #86365. Letter from Steven F. Eckersley, appellant, requesting rehearing of Appeal 00-139, heard October 4, 2000. Upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** the subject revocation.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **GRANT** the request for rehearing, and to schedule said rehearing for **November 1, 2000**.

SPEAKERS: 1. Steven F. Eckersley, requestor/appellant, urged the Board to grant a rehearing because his absence at the original hearing was due to a clerical notification error by the Board staff. 2. Thomas Owen, DCA, agreed to the granting of the rehearing.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: 260 Golden Gate Avenue. Letter from Yee Sun Chiang and Chan Chi Chiang requesting that the Board take jurisdiction over Building Permit Application No. 2000/07/12/4905 issued to the City and County of San Francisco for construction of a family residence (bedrooms, bathrooms, electrical, HVAC, plumbing and kitchen).

Date issued	September 18, 2000
Last day to appeal	October 3, 2000
Request for jurisdiction	October 4, 2000

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (President Chin abstained) to **RECUSE** President Chin. Then, upon motion by Commissioner El Qadah, the Board voted 2-2 (Vice President Saunders and Commissioner Cullum dissented) to grant the request for jurisdiction. Four votes being necessary to grant a request for jurisdiction, the motion **FAILED** and the request was **DENIED**.

SPEAKERS: **1.** Ford Chiang, agent for the requestors, urged the Board to grant the request for jurisdiction based on his assertion that there was a delay of notice by the Department of Building Inspection. **2.** Michele Byrd, Department of Human Services, asked the Board to deny the request because there had been sufficient notice to the requestors. **3.** Yomi Agunbiade, Office of the City Architect, outlined the timeline for construction of the homeless shelter. **4.** George Smith, III, Mayor's Office on Homelessness, also urged the Board to deny this request for jurisdiction. **5.** Laurence Kornfield, CBI, DBI, responded to the requestors' concerns about the delay in notification.

Items (4A) and (4B) were heard together

(4A) APPEAL NO. 00-150

MISSION ANTI-DISPLACEMENT COALITION,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2407 Harrison Street.
[Protesting issuance on August 26, 2000,
[to F. Javier Alvarez, permit to Demolish
[a Building (manufacturing/office).
[APPLICATION NO. 9916237.
[FOR HEARING TODAY.

(4B) APPEAL NO. 00-151

MISSION ANTI-DISPLACEMENT COALITION,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2407 Harrison Street.
[Protesting issuance on August 26, 2000,
[to F. Javier Alvarez, permit to Erect a
[Building (20 live/work units).
[APPLICATION NO. 9916238S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. Then, upon motion by Commissioner El Qadah, the Board voted 4-0-1 (Commissioner McInerney recused) to **UPHOLD** both permits on **CONDITION** that a Notice of Special Restrictions be recorded that places the future live/work tenants on notice that a recreation center is located in the neighborhood, with said section of the NSR concerning the recreation center and ????? to be in bold face type, and with **NEGATIVE DECLARATION FINDINGS** that were read into the record by President Chin. When polled as to whether each member read and considered the negative declaration for the subject project, all present members answered "aye."

SPEAKERS: **1.** Sue Hestor, attorney for appellant, urged the Board to deny both permits because of the massive displacement that these live/work projects cause in the Mission. **2.** Joel Yodowitz, attorney for the permit holder, asked the Board to uphold the permits and thus allow his client to finish his project. **3.** Sophia Alvarez, agent for the permit holder, also asked the Board to uphold the permits. **4.** Lawrence Badiner, ZA, defended the issuance of both permits. **Public Comment for the Appellant:** Joan Holden, and Sean Kilcoyne. **Public Comment for the Permit Holder:** Joe O'Donoghue, Bernardo Valencia, and Alice Barkley.

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 18, 2000

(5)

APPEAL NO. 00-032

DAVID BAKER & JANE MARTIN, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[337-339 Shotwell Street.
[Determination by the Zoning
[Administrator dated February 16, 2000
[that denies request to designate
[combined office and storage Limited
[Commercial Use space as one
[commercial space; denies request that
[the apartment area be 375 s.f.; denies
[request that the stables/carriage house
[footprint be reduced to its original
[dimensions of approximately 20 x 25
[feet; and denies request that the
[stable/carriage house be used as a
[workshop.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY APRIL 12, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **CONTINUE** the matter to **January 10, 2001**.

SPEAKER: Alice Barkley, attorney for the appellant who protested David Baker and Jane Martin's variance decision, requested that this case be coupled with the said variance protest appeal and be continued to a later date. She also noted that David Baker and Jane Martin, who did not appear at the hearing, had agreed to the coupling and the continuance.

(6)

APPEAL NO. 00-122

BLOCKBUSTER, INC., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[1552 Polk Street.
[Denial on July 28, 2000, of permit to
[Alter a Building (tenant improvement to
[existing retail space including new
[partitions, lighting, finishes, casework,
[HVAC unit and distribution; no fire
[sprinklers, signage or structural work).
[APPLICATION NO. 9925357.
[FOR HEARING TODAY.

ACTION: The matter was **WITHDRAWN** by the appellant at the hearing.

SPEAKERS: **1.** Alice Barkley, attorney for the appellant, withdrew the appeal because of new legislation that took effect requiring Conditional Use Authorization for all new video rental stores. **2.** Lawrence Badiner, ZA, agreed with Ms. Barkley. **3.** Richard Burke, DR Requestor, commented on the withdrawal and on other issues.

(7)

APPEAL NO. 00-137

MICHAEL T. WELCH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2067 - 2069 Green Street.
[Protesting issuance on August 9, 2000,
[to Hilda Lai, permit to Alter a Building
[(remove kitchens at basement level;
[revert to last legal use as two-family
[dwelling).
[APPLICATION NO. 2000/06/28/3945.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (President Chin abstained) to **RECUSE** President Chin. Then, upon motion by Commissioner El Qadah, the Board voted 4-0-1 (President Chin recused) to **DENY** the subject permit.

SPEAKERS: **1.** Michael Welch, appellant, urged the Board to deny the permit. **2.** Stephen Antonaros, agent for the permit holder, asked the Board to uphold the permit. **3.** Lawrence Badiner, ZA, commented on the issues raised by the principals. **4.** Laurence Kornfield, CBI, DBI, also commented on issues raised by the principals.

(8)

APPEAL NO. 00-145

DAVID FINK, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[415 Bryant Street.
[Protesting issuance on August 17, 2000,
[to Angus McCarthy, permit to Erect a
[Building (eight live/work units).
[APPLICATION NO. 2000/04/17/7472S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the subject site permit with no modifications, and with **NEGATIVE DECLARATION FINDINGS** which were incorporated by reference. When polled as to whether each member read and considered the negative declaration for the subject project, all present members answered "aye."

SPEAKERS: **1.** Laurel Stanley, attorney for appellant, urged the Board to impose various conditions on the subject permit. **2.** Lee Moulton, agent for appellant, also urged the Board to impose conditions on the subject permit. **3.** Alice Barkley, attorney for the permit holder, asked that the Board uphold the subject permit with no modifications. **4.** Lawrence Badiner, ZA, commented on some of the concerns raised by both parties. **Public Comment for the Appellant:** Elizabeth Bevis-Fritsch, Stephen Huey, and Melvin Caesar Belli. **Public Comment for the Permit Holder:** Joe O'Donoghue.

MINUTES FOR THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 18, 2000

(9) **APPEAL NO. V00-146**

SEVERINA GANILAO, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[185 Sadowa Street.
[Denial on August 23, 2000, of Rear
[Yard Variance (add bedrooms to an
[existing, detached, one-story, legal non-
[complying structure located behind an
[existing single-family dwelling in the
[required rear yard).
[VARIANCE CASE NO. 2000.339V.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner El Qadah, the Board voted 5-0 to **OVERRULE** the Zoning Administrator and **GRANT** the subject rear yard variance with the following **CONDITIONS**: That revised plans be submitted adding a fourth bedroom; No 220 wiring be used in construction; And a Notice of Special Restrictions be recorded prohibiting the addition of a second kitchen, with **FINDINGS** to be prepared by the Zoning Administrator for adoption at a later date.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the reasoning behind the denial. **2.** Severina Ganilao, via translator Maricel Pelagio, asked the Board to grant the variance because she desperately needed the additional bedrooms. **3.** Caroline Carrera, agent for the appellant, also urged the Board to grant the subject variance.

There being no further business, President Chin adjourned the meeting at 9:45 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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25/00

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

Agenda

WEDNESDAY, OCTOBER 25, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 00-123**

ELIZABETH MITSKEVICH, Appellant
vs.
POLICE DEPARTMENT, Respondent

[600 Townsend Street.
[Denial on July 17, 2000, of Pushcart
[Peddler permit.
[FOR HEARING TODAY.

(4) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[3647-49 - 23rd Street.
[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business is limited
[by Planning Code Sections 182, 710.40
[and 790.102(e) to serve only the
[immediate neighborhood with all
[washing and cleaning done on-site and
[with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

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(5) **APPEAL NO. V00-041**

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000,
[to Ma Estates, Rear Yard Variance to
[construct a four-car, semi-underground
[garage and one-story building addition
[in the required yard of a single-family
[dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-090**

HAYES VALLEY PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[529 Hayes Street.
[Notice of Violation issued by the Zoning
[Administrator dated June 6, 2000,
[requiring that Hayes Valley Properties
[immediately eliminate the advertising
[office use on the ground floor, and
[provide documentation that the violation
[has been abated within 15 days from
[the date of the Notice, under Planning
[Code Sections 790.106 and 790.108.
[FOR HEARING TODAY.

ADJOURNMENT.

Note. Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

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CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
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MINUTES OF THE REGULAR MEETING OF THE
SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, OCTOBER 25, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney (DCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); Isolde Wilson representing the Zoning Administrator and the Planning Department; and Sgt. William Coggan of the Police Department's Legal Division (PDLD).

ABSENT: President Arnold Chin; Lawrence Badiner, Zoning Administrator; and Robert Feldman, Executive Secretary for the Board.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Chip Gibbons commented on the Chat Café case and urged the Board to enforce the current Planning Code and retract the stay of enforcement given to Chat Café conceming the illegal awning and the illegal placement of tables and chairs on the sidewalk. He also noted that Supervisor Leno's office has not proposed any legislation to help Chat Café with their permit problems.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: Commissioner Cullum thanked the Board staff for their hard work during this marathon run of meetings, and promised to help the Board return to a more normal pace of meetings next year.

(3) **APPEAL NO. 00-123**

ELIZABETH MITSKEVICH, Appellant
vs.
POLICE DEPARTMENT, Respondent

[600 Townsend Street.
[Denial on July 17, 2000, of Pushcart
[Peddler permit.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 4-0-1 (President Chin absent) to **OVERRULE** the Police Department and **GRANT** the subject permit on **CONDITION** that the pushcart be placed in front of parking meter no. 668, on **CONDITION** that the lines be formed parallel to the curb, and with a **FINDING** that distances under the Police Code should be measured under the standard used by the Building Code.

SPEAKERS: **1.** Sgt. William Coggan, PDLD, explained the denial of the permit and asked the Board to clarify how distances should be measured under the Police Code. **2.** Laurence Kornfield, CBI, DBI, explained that distances under the Building Code are measured traveling down the center of the sidewalk. **3.** Elizabeth Mitskevich, appellant, urged the Board to grant the subject permit. **Public Comment for the Police Department:** David Lawrence of Metro Commerce Bank. **Public Comment for the Appellant:** None.

(4)

APPEAL NO. 99-112

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[3647-49 - 23rd Street.
[Determinations of the Zoning Administrator dated June 25 and July 13, 1999 that the laundromat business is limited by Planning Code Sections 182, 710.40 and 790.102(e) to serve only the immediate neighborhood with all washing and cleaning done on-site and with all windows closed, with compliance within 30 days or abatement action to be pursued.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-0-1 (President Chin absent) to **RESCHEDULE** the matter to **November 8, 2000**, with this to be the absolute last rescheduling.

SPEAKERS: **1.** Alexander Weyand, attorney for appellant, requested a rescheduling from the Board. **2.** Isolde Wilson, representing the ZA, objected to the rescheduling request.

(5)

APPEAL NO. V00-041

ROBERT & BEATRICE WOOD, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[2090 Jackson Street.
[Protesting granting on March 15, 2000, to Ma Estates, Rear Yard Variance to construct a four-car, semi-underground garage and one-story building addition in the required yard of a single-family dwelling.
[VARIANCE CASE NO. 98.908V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-0-1 (President Chin absent) to **UPHOLD** the subject variance on **CONDITION** that the trellis be painted a white color.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, OCTOBER 25, 2000

SPEAKERS: 1. Daniel Conrad, attorney for the appellants, urged the Board to impose several conditions on the subject variance decision. **2.** Frank Fung, attorney for the variance holder, asked the Board to uphold the variance decision with no modifications. **3.** Isolde Wilson, representing the ZA, defended the granting of the variance. **4.** Laurence Kornfield, CBI, DBI, commented on some Building Code issues raised by the principals. **Public Comment for the Appellants:** Carol Kettell. **Public Comment for the ZA:** None.

(6)

APPEAL NO. 00-090

HAYES VALLEY PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[529 Hayes Street.
[Notice of Violation issued by the Zoning
[Administrator dated June 6, 2000,
[requiring that Hayes Valley Properties
[immediately eliminate the advertising
[office use on the ground floor, and
[provide documentation that the violation
[has been abated within 15 days from
[the date of the Notice, under Planning
[Code Sections 790.106 and 790.108.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 3-1-1 (Commissioner Cullum dissented and President Chin absent) to **CONTINUE** the matter to **December 6, 2000.**

SPEAKERS: 1. Dave Wasser, attorney for the appellant, outlined the reasons for the appeal. **2.** Isolde Wilson, representing the ZA, defended the Notice of Violation and offered some alternatives on how the appellant could keep the subject advertising office use on the ground floor.

There being no further business, President Chin adjourned the meeting at 6:55 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, NOVEMBER 1, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 00-139**

STEVEN F. ECKERSLEY, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 14, 2000, of
[Driver Public Vehicle for Hire Permit
[#86365.
[RESOLUTION NO. 2000-70.
[FOR REHEARING TODAY.

(4) **CONSENT ITEMS**: With the consent of the Department of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(A) **APPEAL NO. 00-162**

ALICIA POQUIZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2418 Alemany Blvd.
[Appeal for Refund of Penalty imposed
[on September 27, 2000.
[APPLICATION NO. 2000/08/30/9286.
[FOR HEARING TODAY.

(B) **APPEAL NO. 00-195**

FELIXBERTO MALIT, JR., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[403 Amazon Avenue.
[Imposition of Penalty on October 20,
[2000.
[APPLICATION NO. 2000/09/11/0092.
[FOR HEARING TODAY.

(5) **APPEAL NO. 00-156**

MARLA McGOWAN & PHILIP FERNANDEZ,
Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2646 Hyde Street.
[Request on September 8, 2000 by the
[Zoning Administrator for suspension of
[permit to Alter a Building (construct
[dormer to improve headroom in attic)
[due to lack of Section 311 neighborhood
[notification.
[APPLICATION NO. 9915310.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-142**

SARAH SWEET, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[174 - 10th Avenue.
[Protesting issuance on August 16, 2000,
[to Denise Jasper, permit to Alter a
[Building (revert to last legal use; remove
[illegal kitchen on second floor).
[APPLICATION NO. 2000/07/31/6549.
[FOR HEARING TODAY.

Items (7A) and (7B) shall be heard together

(7A) **APPEAL NO. 00-153**

VIRGINIA MAKI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2254 Bush Street.
[Protesting issuance on August 29, 2000,
[to Denis McMahon and James
[Nunemacher, permit to Demolish a
[Building (single-family dwelling).
[APPLICATION NO. 2000/08/24/8826.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 00-154**

VIRGINIA MAKI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2254 Bush Street.
[Protesting issuance on August 29, 2000,
[to Denis McMahon and James
[Nunemacher, permit to Alter a Building
[(resubmit plans to certify compliance
[with variance decision; no change in
[height, building envelope or use).
[APPLICATION NO. 2000/07/19/5533.
[FOR HEARING TODAY.

Items (8A) and (8B) shall be heard together

(8A) **APPEAL NO. 00-157**

DAVID ZOVICKIAN, LAURA BURTCH & BONNIE
FEINGOLD, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[541 - 29th Street.
[Protesting issuance on September 5,
[2000, to Leo Cassidy, permit to
[Demolish a Building (single-family
[dwelling).
[APPLICATION NO. 9913229.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 00-158**

DAVID ZOVICKIAN, LAURA BURTCH & BONNIE
FEINGOLD, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[547 - 29th Street.
[Protesting issuance on September 5,
[2000, to Leo Cassidy, permit to
[Demolish a Building (single-family
[dwelling).
[APPLICATION NO. 9913230.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-143**

PEG O'MALLEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[135 Carl Street.
[Zoning Administrator's determination
[dated August 18, 2000 that the proposal
[to change the basement unit into a
[common area laundry and private
[storage facilities for use by all of the
[building's occupants will constitute a
[removal of a unit and not a dwelling unit
[merger.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
CAROLE S. CULLUM	**COMMISSIONER**
ALLAM M. EL QADAH	**COMMISSIONER**
JOHN E. MCINERNEY, III	**COMMISSIONER**

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 1, 2000

5:30 P.M., CITY HALL, ROOM 416

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1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders who left early at 8:45 p.m., Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney (DCA); Lawrence Badiner, Zoning Administrator (ZA); Sean McNulty, Chief Building Inspector, Department of Building Inspection (CBI, DBI); Thomas Owen, Deputy City Attorney representing the Taxicab Commission (DCA); and Sgt. Vince Simpson of the Police Department's Taxi Detail, also representing the Taxicab Commission (PDTD).

ABSENT: Robert Feldman, Executive Secretary for the Board.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKER: Commissioner McInerney commented on Appeal V00-041, which was heard on October 25, 2000.

(3) **APPEAL NO. 00-139**

STEVEN F. ECKERSLEY, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 14, 2000, of
[Driver Public Vehicle for Hire Permit
[#86365.
[RESOLUTION NO. 2000-70.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the Taxicab Commission and replace the subject revocation with a one-year suspension on **CONDITION** that the appellant participate in a program of therapy directed at anger management to be 20 sessions over 52 weeks, or else the appellant's permit shall be automatically revoked.

SPEAKERS: **1.** Thomas Owen, DCA, outlined the reasons for the revocation. **2.** Officer Teresa Ewins described her encounter with the appellant. **3.** Sgt. Vince Simpson, PDTD, described the appellant's taxi permit record. **4.** Steven Eckersley, appellant, urged the Board to overturn the revocation. **No Public Comment.**

(4) **CONSENT ITEMS:** With the consent of the Department of Building Inspection, the Board proceeded to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code.

(A) **APPEAL NO. 00-162**

ALICIA POQUIZ, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2418 Alemany Blvd.
[Appeal for Refund of Penalty imposed
[on September 27, 2000.
[APPLICATION NO. 2000/08/30/9286.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **REDUCE** the penalty to two times the regular fee of $378.30 for a total of $756. 60.

SPEAKERS: The appellant was present but did not speak.

(B) **APPEAL NO. 00-195**

FELIXBERTO MALIT, JR., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[403 Amazon Avenue.
[Imposition of Penalty on October 20,
[2000.
[APPLICATION NO. 2000/09/11/0092.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 5-0 to **REDUCE** the penalty to two times the regular fee of $134.55 for a total of $269.10.

SPEAKERS: The appellant was present but did not speak.

(5) **APPEAL NO. 00-156**

MARLA McGOWAN & PHILIP FERNANDEZ,
Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2646 Hyde Street.
[Request on September 8, 2000 by the
[Zoning Administrator for suspension of
[permit to Alter a Building (construct
[dormer to improve headroom in attic)
[due to lack of Section 311 neighborhood
[notification.
[APPLICATION NO. 9915310.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Zoning Administrator's request for suspension of the subject permit.

SPEAKERS: **1.** Lawrence Badiner, ZA, withdrew his request for suspension of the subject permit. **2.** Jeremy Paul, agent for appellants, outlined the reasons for the appeal. **Public Comment for the Appellants:** None. **Public Comment for the ZA:** William Ausseresses.

(6) **APPEAL NO. 00-142**

SARAH SWEET, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[174 - 10th Avenue.
[Protesting issuance on August 16, 2000,
[to Denise Jasper, permit to Alter a
[Building (revert to last legal use; remove
[illegal kitchen on second floor).
[APPLICATION NO. 2000/07/31/6549.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 2-2-1 (Commissioner Cullum and Commissioner El Qadah dissented, Vice President Saunders absent) to **UPHOLD** the subject alteration permit. Four votes being necessary to overturn or modify any departmental action, the subject alteration permit was **UPHELD**.

SPEAKERS: **1.** Sarah Sweet, appellant, outlined the reasons for the appeal. **2.** Denise Jasper, permit holder, urged the Board to grant the permit. **3.** Sean McNulty, CBI, DBI, commented on issues raised by the principals.

Items (7A) and (7B) were heard together

(7A) **APPEAL NO. 00-153**

VIRGINIA MAKI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2254 Bush Street.
[Protesting issuance on August 29, 2000,
[to Denis McMahon and James
[Nunemacher, permit to Demolish a
[Building (single-family dwelling).
[APPLICATION NO. 2000/08/24/8826.
[FOR HEARING TODAY.

(7B) **APPEAL NO. 00-154**

VIRGINIA MAKI, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2254 Bush Street.
[Protesting issuance on August 29, 2000,
[to Denis McMahon and James
[Nunemacher, permit to Alter a Building
[(resubmit plans to certify compliance
[with variance decision; no change in
[height, building envelope or use).
[APPLICATION NO. 2000/07/19/5533.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. After discussion, upon motion by President Chin, the Board voted 4-0-1 (Commissioner McInerney recused) to **UPHOLD** both permits with the following **CONDITIONS:** that the permit holders pay for a structural engineering study of John Rose's foundation

(121-123 Wilmot Street) and pay for any damage to said foundation; that the permit holders pay for the repair of the deck on Mr. Rose's property; and that the Department of Building Inspection approve the plans to repair the damage found on Mr. Rose's property before any construction begins on the subject property.

SPEAKERS: **1.** Patricia Vaughey, agent for appellant, outlined the reasons for the appeals. **2.** Virginia Maki, urged the Board to deny the permits. **3.** John Sanger, attorney for the permit holders, asked the Board to uphold both permits. **4.** Sean McNulty, CBI, DBI, commented on issues raised by the principals. **Public Comment for the Appellant:** Jan Bolaffi, Geoffrey DeSousa, and Pamela Natcher. **Public comment for the Permit Holders:** Kenneth Starosciak, and Sarah Howard.

Items (8A) and (8B) were heard together

(8A) **APPEAL NO. 00-157**

DAVID ZOVICKIAN, LAURA BURTCH & BONNIE
FEINGOLD, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[541 - 29th Street.
[Protesting issuance on September 5,
[2000, to Leo Cassidy, permit to
[Demolish a Building (single-family
[dwelling).
[APPLICATION NO. 9913229.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 00-158**

DAVID ZOVICKIAN, LAURA BURTCH & BONNIE
FEINGOLD, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[547 - 29th Street.
[Protesting issuance on September 5,
[2000, to Leo Cassidy, permit to
[Demolish a Building (single-family
[dwelling).
[APPLICATION NO. 9913230.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. After discussion, upon motion by Commissioner El Qadah, the Board voted 3-1-1 (Commissioner Cullum dissented, Commissioner McInerney recused) to **UPHOLD** both demolition permits.

SPEAKERS: **1.** David Zovickian, co-appellant, outlined the reasons for the appeals. **2.** Bonnie Feingold, co-appellant, also elaborated on the reasons for the appeals. **3.** John Sanger, attorney for the permit holder, urged the Board to grant both permits. **No Public Comment.**

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, NOVEMBER 1, 2000

(9) **APPEAL NO. 00-143**

PEG O'MALLEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[135 Carl Street.
[Zoning Administrator's determination
[dated August 18, 2000 that the proposal
[to change the basement unit into a
[common area laundry and private
[storage facilities for use by all of the
[building's occupants will constitute a
[removal of a unit and not a dwelling unit
[merger.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Vice President Saunders absent) to **CLOSE** public testimony, and to **CONTINUE** the matter to **November 8, 2000** with a report at that time from the Zoning Administrator and the appellant concerning the abeyance issue with the Department of Public Works.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the determination. **2.** Peg O'Malley, appellant, gave a history of the subject property. **3.** Brett Gladstone, attorney for appellant, outlined the reasons for the appeal. **Public Comment for the Appellant:** Jeremy Paul.

There being no further business, President Chin adjourned the meeting at 9:36 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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Agenda

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REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 8, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING:** 415 Bryant Street. Letter from Laurel S. Stanley, attorney for David Fink, appellant, requesting rehearing of Appeal No. 00-145, heard October 18, 2000. Upon motion by Commissioner El Qadah, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the subject site permit with no modifications, and with **NEGATIVE DECLARATION FINDINGS** which were incorporated by reference. When polled as to whether each member read and considered the negative declaration for the subject project, all present members answered "aye."

(4) **APPEAL NO. 00-143**

PEG O'MALLEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[135 Carl Street.
[Zoning Administrator's determination
[dated August 18, 2000 that the proposal
[to change the basement unit into a
[common area laundry and private
[storage facilities for use by all of the
[building's occupants will constitute a
[removal of a unit and not a dwelling unit
[merger.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY NOVEMBER 1, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(5) **APPEAL NO. 00-114**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated June 29, 2000 that a second
[kitchen can be installed in the one-
[family house only as part of a second
[unit and, with the current parking
[configuration in the garage, only if an
[off-street parking variance is sought and
[granted by the Zoning Administrator.
[FOR REHEARING TODAY.

(6) **APPEAL NO. 00-124**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated July 19, 2000 that the proposed
[greenhouse on the existing rear deck
[cannot be approved without additional
[accurate drawings and a site plan,
[notification under Planning Code
[Section 311, submittal of a copy of the
[approved permit application and
[drawings for the existing lower deck,
[and the five foot setback on each side
[of the greenhouse must be open to the
[sky requiring relocation of the existing
[stair and landing.
[APPLICATION NO. 2000/04/25/8211.
[FOR REHEARING TODAY.

(7) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[3647-49 - 23rd Street.
[Determinations of the Zoning Admin-
[istrator dated June 25 and July 13, 1999
[that the laundromat business is limited
[by Planning Code Sections 182, 710.40
[and 790.102(e) to serve only the
[immediate neighborhood with all
[washing and cleaning done on-site and
[with all windows closed, with
[compliance within 30 days or abatement
[action to be pursued.
[FOR HEARING TODAY.

Items (8A) through (8K) shall be heard together

(8A) **APPEAL NO. 00-170**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[555 - 4th Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (12 live/work units).
[APPLICATION NO. 9825950S.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 00-171**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Zoe Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825944S.
[FOR HEARING TODAY.

(8C) **APPEAL NO. 00-172**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[25 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825945S.
[FOR HEARING TODAY.

(8D) **APPEAL NO. 00-173**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[35 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825946S.
[FOR HEARING TODAY.

(8E) **APPEAL NO. 00-174**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[55 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825947S.
[FOR HEARING TODAY.

(8F) **APPEAL NO. 00-175**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[75 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825948S.
[FOR HEARING TODAY.

(8G) **APPEAL NO. 00-176**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[545 - 4th Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (12 live/work units).
[APPLICATION NO. 9825949S.
[FOR HEARING TODAY.

(8H) **APPEAL NO. 00-177**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[88 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825951S.
[FOR HEARING TODAY.

(8I) **APPEAL NO. 00-178**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825952S.
[FOR HEARING TODAY.

(8J) **APPEAL NO. 00-179**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[28 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825953S.
[FOR HEARING TODAY.

(8K) **APPEAL NO. 00-180**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[18 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (14 live/work units).
[APPLICATION NO. 9825954S.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, NOVEMBER 8, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney (DCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI).

ABSENT: Robert Feldman, Executive Secretary for the Board.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: **1.** Jane Martin, principal in Appeals 00-032 and V00-168, requested that the Board move the appeals from January 10, 2001, to December 6, 2000. **2.** Alice Barkley, attorney for the appellant in V00-168, asked the Board to keep the appeals on January 10, 2001. **3.** Joe O'Donoghue commented on Proposition L.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: **1.** Commissioner Cullum discussed the comments made by Joe O'Donoghue, and on the request made by Jane Martin. **2.** President Chin also discussed the request made by Jane Martin.

(3) **REQUEST FOR REHEARING:** 415 Bryant Street. Letter from Laurel S. Stanley, attorney for David Fink, appellant, requesting rehearing of Appeal No. 00-145, heard October 18, 2000. Upon motion by Commissioner El Qadah, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the subject site permit with no modifications, and with **NEGATIVE DECLARATION FINDINGS** which were incorporated by reference. When polled as to whether each member read and considered the negative declaration for the subject project, all present members answered "aye."

ACTION: After discussion, the Board voted 1-4 (President Chin, Vice President Saunders, Commissioner El Qadah, and Commissioner McInerney dissented) to grant the request for rehearing. Four votes being necessary to grant a request for rehearing, the motion **FAILED** and the said request was **DENIED**.

SPEAKERS: **1.** David Fink, appellant/requestor, urged the Board to grant the request for rehearing. 2. Alice Barkley, attorney for the permit holder, asked the Board to deny the request.

(4) **APPEAL NO. 00-143**

PEG O'MALLEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[135 Carl Street.
[Zoning Administrator's determination
[dated August 18, 2000 that the proposal
[to change the basement unit into a
[common area laundry and private
[storage facilities for use by all of the
[building's occupants will constitute a
[removal of a unit and not a dwelling unit
[merger.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY NOVEMBER 1, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: After discussion, upon motion by President Chin, the Board voted 5-0 to **CONTINUE** the matter to **December 6, 2000**.

SPEAKER: Lawrence Badiner, ZA, confirmed that he had spoken with Brett Gladstone, attorney for the appellant, and that he consented to Mr. Gladstone's continuance request.

Items 5 and 6 were heard together

(5) **APPEAL NO. 00-114**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination
[dated June 29, 2000 that a second
[kitchen can be installed in the one-
[family house only as part of a second
[unit and, with the current parking
[configuration in the garage, only if an
[off-street parking variance is sought and
[granted by the Zoning Administrator.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. Then, upon motion by Commissioner El Qadah, the Board voted 4-0-1 (Commissioner McInerney recused) to **OVERRULE** the Zoning Administrator on **CONDITION** that a Notice of Special Restrictions be recorded that requires removal of the second kitchen upon sale of the subject property, with a **FINDING** that the Board's decision is based on the appellant's medical needs, and with a further **FINDING** that the second kitchen does not constitute a second unit.

SPEAKERS: **1.** Mark Hennigh, attorney for appellant in both Appeal 00-114 and 00-124, urged the Board to overturn both determinations. **2.** Lawrence Badiner, ZA, defended the two determinations. 3. Larry Paul, architect for the appellant, answered technical questions about the proposed projects.

(6) **APPEAL NO. 00-124**

RICHARD GARCIA, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[2258 Beach Street.
[Zoning Administrator determination dated July 19, 2000 that the proposed greenhouse on the existing rear deck cannot be approved without additional accurate drawings and a site plan, notification under Planning Code Section 311, submittal of a copy of the approved permit application and drawings for the existing lower deck, and the five foot setback on each side of the greenhouse must be open to the sky requiring relocation of the existing stair and landing.
[APPLICATION NO. 2000/04/25/8211.
[FOR REHEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. Then, upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner McInerney recused) to **OVERRULE** the Zoning Administrator with a **FINDING** that Planning Code Section 311 has been satisfied with the Board's public hearing, on **CONDITION** that the stairway be removed, and on **CONDITION** that the subject deck on the right hand side be setback five feet.

SPEAKERS: Same as Appeal 00-114.

(7) **APPEAL NO. 99-112**

WAI MING & KWAN YUK M. LUK, Appellants
vs.
ZONING ADMINISTRATOR, Respondent

[3647-49 - 23rd Street.
[Determinations of the Zoning Administrator dated June 25 and July 13, 1999 that the laundromat business is limited by Planning Code Sections 182, 710.40 and 790.102(e) to serve only the immediate neighborhood with all washing and cleaning done on-site and with all windows closed, with compliance within 30 days or abatement action to be pursued.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the Zoning Administrator with the following CONDITIONS: that the appellant use the green zone for customers and not for permanently parking his commercial vehicles; and that deliveries only come from the appellant's second outlet at 1001 Church Street and to be limited to two deliveries per day between the hours of 11 - 11:30 a.m. and 4:30 - 5 p.m.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the determinations. 2. Alexander Weyand, attorney for appellant, urged the Board to overturn the said determination. 3. Jason Luk (AKA Wai Ming Luk), co-appellant, answered questions posed to him by his attorney and the Board. **Public Comment for the ZA:** Mark Anderson and Kim Anderson.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, NOVEMBER 8, 2000

Items (8A) through (8K) were heard together

(8A) **APPEAL NO. 00-170**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[555 - 4th Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (12 live/work units).
[APPLICATION NO. 9825950S.
[FOR HEARING TODAY.

(8B) **APPEAL NO. 00-171**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Zoe Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (18 live/work units).
[APPLICATION NO. 9825944S.
[FOR HEARING TODAY.

(8C) **APPEAL NO. 00-172**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[25 Welsh Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (16 live/work units).
[APPLICATION NO. 9825945S.
[FOR HEARING TODAY.

(8D) **APPEAL NO. 00-173**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[35 Welsh Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (16 live/work units).
[APPLICATION NO. 9825946S.
[FOR HEARING TODAY.

(8E) **APPEAL NO. 00-174**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[55 Welsh Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (18 live/work units).
[APPLICATION NO. 9825947S.
[FOR HEARING TODAY.

(8F) **APPEAL NO. 00-175**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
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[75 Welsh Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (16 live/work units).
[APPLICATION NO. 9825948S.
[FOR HEARING TODAY.

(8G) **APPEAL NO. 00-176**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
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[545 - 4th Street.
[Protesting issuance on September 26,
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[Erect a Building (12 live/work units).
[APPLICATION NO. 9825949S.
[FOR HEARING TODAY.

(8H) **APPEAL NO. 00-177**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[88 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825951S.
[FOR HEARING TODAY.

(8I) **APPEAL NO. 00-178**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825952S.
[FOR HEARING TODAY.

(8J) **APPEAL NO. 00-179**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[28 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825953S.
[FOR HEARING TODAY.

(8K) **APPEAL NO. 00-180**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[18 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (14 live/work units).
[APPLICATION NO. 9825954S.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. Then, upon motion by Vice President Saunders, the Board voted 4-0-1 (Commissioner McInerney recused) to **RESCHEDULE** all the matters to **December 6, 2000**, with notification sent to the appellant's attorney via mail and facsimile.

SPEAKERS: **1.** Alice Barkley, attorney for the permit holder, agreed to the rescheduling. **2.** Sue Hestor, attorney for appellant, did not appear.

There being no further business, President Chin adjourned the meeting at 8:00 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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15/00

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, NOVEMBER 15, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUESTS FOR REHEARING:**

ITEM A: Revocation of Taxicab Medallion No. 942. Letter from Cindy Lee, attorney for Matthew Wong, appellant, requesting rehearing of Appeal No. 00-036, heard July 12, 2000. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner El Qadah dissented) to **UPHOLD** the revocation. Four votes being necessary to overturn any departmental action, the Taxicab Commission's decision to revoke the appellant's medallion was **UPHELD**.

ITEM B: Revocation of Taxicab Medallion No. 797. Letter from Wing C. Lee, attorney for Jun Wai Chin, appellant, requesting rehearing of Appeal No. 00-104, heard October 4, 2000. Upon motion by President Chin, the Board voted 3-2 (Commissioners Cullum and McInerney dissented) to overrule the Taxicab Commission and replace the revocation with a four-month suspension. Four votes being necessary to overturn any departmental action, the motion **FAILED** and the revocation was **UPHELD.**

ITEM C: 347A Masonic Avenue. Letter from John Mallory, permit holder requesting rehearing of Appeal No. 00-059, heard June 7, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Cullum absent) to **GRANT** the permit on **CONDITION** that the subject wall be relocated to the original location as on the subdivision map, and on further **CONDITION** that all bathrooms, sinks and kitchens built in the storage area be removed.

(4) **APPEAL NO. 00-084**

ROY CURRY, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on May 23, 2000, of Taxicab
[Medallion #856.
[RESOLUTION NO. 2000-034.
[FOR HEARING TODAY.

(5) **APPEAL NO. 00-127**

FRED ARKEDER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 1 2000, of
[Taxicab Medallion #712.
[RESOLUTION NO. 2000-62.
[FOR HEARING TODAY.

(6) **APPEAL NO. 00-103**

TERRANCE ALLAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[561 Baker Street.
[Protesting issuance on May 11, 2000,
[and suspension June 30, to Robert
[Sigmund, permit to Alter a Building
[(remove top floor of occupancy to
[include bedroom, kitchen, bathrooms;
[remove private computer room in
[basement; provide one hour fire-rated
[door to boiler room; remove obstruction
[from rear stair).
[APPLICATION NO. 2000/04/11/6894.
[PUBLIC HEARING HELD AND
[CLOSED OCTOBER 4, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(7) **APPEAL NO. 00-109**

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Determination by the Acting Zoning
[Administrator dated July 6, 2000
[requiring revisions to approved plans
[regarding front setback requirements.
[APPLICATION NO. 2000/02/14/1841.
[PUBLIC HEARING HELD AND
[CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(8) **APPEAL NO. V00-160**

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Appeal of Conditions of Setback
[Variance (add third story to an existing
[two-story single-family dwelling) granted
[on September 18, 2000.
[FOR HEARING TODAY.

(9) **APPEAL NO. 00-163**

WILBERT L. & JODI FREEMAN, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[180 Leland Avenue.
[Protesting issuance on September 16,
[2000, to Donald W. Wong, permit to
[Alter a Building (remove illegal unit
[including kitchen, bath, two non-bearing
[interior walls; rearrange existing bath
[and kitchen).
[APPLICATION NO. 2000/09/16/0731)
[FOR HEARING TODAY.

(10) **APPEAL NO. 00-164**

GLENN GEE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1500 Cole Street.
[Protesting issuance on September 19,
[2000, to William Wolcott, permit to Alter
[a Building (third story vertical addition to
[include master bedroom and bathroom
[with new stairs to story; add new
[bathroom to SW corner at second floor).
[APPLICATION NO. 9915721S.
[FOR HEARING TODAY.

(11) **APPEAL NO. 00-183**

DOLORES SALOMON, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[347 Guttenberg Street.
[Protesting issuance on July 18, 2000, to
[William DeMartini, permit to Erect a
[Building (two-story single-family dwel-
[ling).
[APPLICATION NO. 2000/05/09/9504.
[JURISDICTION GRANTED SEPT. 27,
[2000.
[FOR HEARING TODAY.

Items (12A) through (12E) shall be heard together

(12A) **APPEAL NO. 00-191**

ANDREW C. FREEMAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16,
[2000, to Mariposa Management, permit
[to Erect a Building (28 live/work units).
[APPLICATION NO. 2000/08/02/6778S.
[FOR HEARING TODAY.

(12B) **APPEAL NO. 00-192**

ANDREW C. FREEMAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16, [2000, to Mariposa Management, permit [to Demolish a Building (industrial/com-[mercial).
[APPLICATION NO. 2000/08/02/6779.
[FOR HEARING TODAY.

(12C) **APPEAL NO. 00-193**

ANDREW C. FREEMAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16, [2000, to Mariposa Management, permit [to Demolish a Building (industrial/com-[mercial).
[APPLICATION NO. 2000/08/02/6780.
[FOR HEARING TODAY.

(12D) **APPEAL NO. 00-203**

MISSION ANTI-DISPLACEMENT COALITION, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16, [2000, to Mariposa Management, permit [to Erect a Building (28 live/work units).
[APPLICATION NO. 2000/08/02/6778S.
[FOR HEARING TODAY.

(12E) **APPEAL NO. 00-204**

MISSION ANTI-DISPLACEMENT COALITION, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16, [2000, to Mariposa Management, permit [to Demolish a Building (industrial/com-[mercial).
[APPLICATION NO. 2000/08/02/6779.
[FOR HEARING TODAY.

Items (13A) through (13J) shall be heard together

(13A) **APPEAL NO. 00-184**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[673 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (48 live/work units).
[APPLICATION NO. 9907389S.
[FOR HEARING TODAY.

(13B) **APPEAL NO. 00-185**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[178 Bluxome Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (42 live/work units).
[APPLICATION NO. 9907391S.
[FOR HEARING TODAY.

(13C) **APPEAL NO. 00-186**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[683 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (39 live/work units).
[APPLICATION NO. 9907390S.
[FOR HEARING TODAY.

(13D) **APPEAL NO. 00-187**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[168 Bluxome Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (48 live/work units).
[APPLICATION NO. 9907388S.
[FOR HEARING TODAY.

(13E) **APPEAL NO. 00-188**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[685 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Demolish a Building (warehouse).
[APPLICATION NO. 2000/05/03/8903.
[FOR HEARING TODAY.

(13F) **APPEAL NO. 00-205**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[673 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (48 live/work units).
[APPLICATION NO. 9907389S.
[FOR HEARING TODAY.

(13G) **APPEAL NO. 00-206**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[178 Bluxome Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (42 live/work units).
[APPLICATION NO. 9907391S.
[FOR HEARING TODAY.

(13H) **APPEAL NO. 00-207**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[683 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (39 live/work units).
[APPLICATION NO. 9907390S.
[FOR HEARING TODAY.

(13I) **APPEAL NO. 00-208**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[168 Bluxome Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (48 live/work units).
[APPLICATION NO. 9907388S.
[FOR HEARING TODAY.

(13J) **APPEAL NO. 00-209**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[685 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Demolish a Building (warehouse).
[APPLICATION NO. 2000/05/03/8903.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, NOVEMBER 15, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI).

ABSENT: Judith Boyajian, Deputy City Attorney (DCA); and Robert Feldman, Executive Secretary for the Board.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Barry Taranto, Joe O'Donoghue, Angus McCarthy and Joe Cassidy.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS**.

SPEAKERS: Commissioner Cullum, Commissioner McInerney, President Chin and Commissioner El Qadah.

(3) **REQUESTS FOR REHEARING**:

ITEM A: Revocation of Taxicab Medallion No. 942. Letter from Cindy Lee, attorney for Matthew Wong, appellant, requesting rehearing of Appeal No. 00-036, heard July 12, 2000. Upon motion by Commissioner Cullum, the Board voted 2-3 (President Chin, Vice President Saunders and Commissioner El Qadah dissented) to **UPHOLD** the revocation. Four votes being necessary to overturn any departmental action, the Taxicab Commission's decision to revoke the appellant's medallion was **UPHELD**.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 1-4 (President Chin, Commissioner Cullum, Vice President Saunders and Commissioner El Qadah dissented) to deny the request for rehearing. The motion **FAILED** and the request was **GRANTED**, with the rehearing date to be set at a later time.

SPEAKERS: 1. Cindy Lee, attorney for requestor/appellant, urged the Board to grant the request. 2. Thomas Owen, DCA, asked the Board to deny the request.

ITEM B: Revocation of Taxicab Medallion No. 797. Letter from Wing C. Lee, attorney for Jun Wai Chin, appellant, requesting rehearing of Appeal No. 00-104, heard October 4, 2000. Upon motion by President Chin, the Board voted 3-2 (Commissioners Cullum and McInerney dissented) to overrule the Taxicab Commission and replace the revocation with a four-month suspension. Four votes being necessary to overturn any departmental action, the motion **FAILED** and the revocation was **UPHELD.**

ACTION: Upon motion by President Chin, the Board voted 5-0 to **DENY** the request for rehearing.

SPEAKERS: The requestor/appellant and his attorney were not present when the matter was called and passed over several times.

ITEM C: 347A Masonic Avenue. Letter from John Mallory, permit holder requesting rehearing of Appeal No. 00-059, heard June 7, 2000. Upon motion by Commissioner McInerney, the Board voted 4-0 (Commissioner Cullum absent) to **GRANT** the permit on **CONDITION** that the subject wall be relocated to the original location as on the subdivision map, and on further **CONDITION** that all bathrooms, sinks and kitchens built in the storage area be removed.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **GRANT** the request for rehearing, with the rehearing date to be set at a later time.

SPEAKERS: **1.** Jack Wholey, attorney for the requestor/permit holder, urged the Board to grant the rehearing. **2.** Christopher Visher, attorney for the appellant, also asked the Board to grant the request.

(4) **APPEAL NO. 00-084**

ROY CURRY, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on May 23, 2000, of Taxicab
[Medallion #856.
[RESOLUTION NO. 2000-034.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **OVERRULE** the Taxicab Commission and **REPLACE** it with a two-month suspension.

SPEAKERS: **1.** Thomas Owen, DCA, explained the reasons behind the revocation. **2.** James Margolis, attorney for the appellant, urged the Board to overturn the revocation. **3.** Craig O'Connor was a witness for the appellant. **4.** David Massette also was a witness for the appellant. **Public Commen for the Appellant:** James Maddo.

(5) **APPEAL NO. 00-127**

FRED ARKEDER, Appellant
vs.
TAXICAB COMMISSION, Respondent

[Revocation on August 1 2000, of
[Taxicab Medallion #712.
[RESOLUTION NO. 2000-62.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Saunders, the Board voted 5-0 to **OVERRULE** the Taxicab Commission and **REPLACE** the subject revocation with a three-month suspension.

SPEAKERS: **1.** Thomas Owen, DCA, explained the revocation. **2.** Geoffrey Rotwein, attorney for the appellant, urged the Board to overturn the revocation. **3.** Fred Arkeder, appellant, answered some questions from his attorney. **Public Comment for the Taxicab Commission:** Barry Taranto. **Public Comment for the Appellant:** Joe O'Donoghue.

(6) **APPEAL NO. 00-103**

TERRANCE ALLAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[561 Baker Street.
[Protesting issuance on May 11, 2000, [and suspension June 30, to Robert [Sigmund, permit to Alter a Building [(remove top floor of occupancy to [include bedroom, kitchen, bathrooms; [remove private computer room in [basement; provide one hour fire-rated [door to boiler room; remove obstruction [from rear stair).
[APPLICATION NO. 2000/04/11/6894.
[PUBLIC HEARING HELD AND [CLOSED OCTOBER 4, 2000.
[FOR FURTHER CONSIDERATION [TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **UPHOLD** the sections of the subject permit that request removal of the improvements on the ground floor, to remove the improvements on the roof, to open both stairways, for fire-rated doors to be installed, and that improvements in the attic space as well as the modified stairways meet the requirements of the Housing Code.

SPEAKERS: **1.** Laurence Kornfield, CBI, DBI, reported on the life/safety issues in the subject unit. **2.** Lawrence Badiner, ZA, commented on certain zoning issues. **3.** Steven Collier, attorney for appellant, gave a status report to the Board. **4.** Terrance Allan, appellant, answered some questions from his attorney. **5.** Andrew Wiegel, attorney for the permit holder, also gave the Board a status report. **Public Comment for the Appellant:** Joe O'Donoghue.

(7) **APPEAL NO. 00-109**

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Determination by the Acting Zoning [Administrator dated July 6, 2000 [requiring revisions to approved plans [regarding front setback requirements.
[APPLICATION NO. 2000/02/14/1841.
[PUBLIC HEARING HELD AND [CLOSED JULY 26, 2000.
[FOR FURTHER CONSIDERATION [TODAY.

ACTION: This matter was **WITHDRAWN** by the appellant at the hearing.

(8) **APPEAL NO. V00-160**

MARK BRADY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[640 Wisconsin Street.
[Appeal of Conditions of Setback
[Variance (add third story to an existing
[two-story single-family dwelling) granted
[on September 18, 2000.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner El Qadah dissented) to **UPHOLD** the subject variance.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the variance and its conditions. **2.** Mark Brady, appellant, urged the Board to overturn said conditions.

(9) **APPEAL NO. 00-163**

WILBERT L. & JODI FREEMAN, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent

[180 Leland Avenue.
[Protesting issuance on September 16,
[2000, to Donald W. Wong, permit to
[Alter a Building (remove illegal unit
[including kitchen, bath, two non-bearing
[interior walls; rearrange existing bath
[and kitchen).
[APPLICATION NO. 2000/09/16/0731)
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **January 17, 2001**, with the public hearing **CLOSED**, with a report from the Chief Building Inspector on the life/safety issues concerning the occupied unit, and with a report from the Zoning Administrator concerning the zoning issues pertaining to the subject property.

SPEAKERS: **1.** Wilbert Freeman, appellant, outlined the reasons for the appeal. **2.** Jonathan Bornstein, attorney for the permit holder, urged the Board to grant the subject permit. **3.** Lawrence Badiner, ZA, defended the issuance of the permit. **4.** Laurence Kornfield, CBI, DBI, discussed issues raised by the principals. **Public Comment for the Appellants:** Joe O'Donoghue, Shirley Dorton.

(10) **APPEAL NO. 00-164**

GLENN GEE, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1500 Cole Street.
[Protesting issuance on September 19,
[2000, to William Wolcott, permit to Alter
[a Building (third story vertical addition to
[include master bedroom and bathroom
[with new stairs to story; add new
[bathroom to SW corner at second floor).
[APPLICATION NO. 9915721S.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 5-0 to **RESCHEDULE** the matter to **February 7, 2001** at the written request of both parties.

SPEAKERS: None.

(11) **APPEAL NO. 00-183**

DOLORES SALOMON, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[347 Guttenberg Street.
[Protesting issuance on July 18, 2000, to
[William DeMartini, permit to Erect a
[Building (two-story single-family dwel-
[ling).
[APPLICATION NO. 2000/05/09/9504.
[JURISDICTION GRANTED SEPT. 27,
[2000.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the subject permit on **CONDITION** that finished siding be used on all sides of the subject property that are exposed, specifically a pre-painted type of material that prevents weathering problems.

SPEAKERS: **1.** Dolores Salomon, appellant, outlined the reasons for the appeal. **2.** William DeMartini, permit holder, urged the Board to grant the permit. **3.** Annette DeMartini, wife of the permit holder, also urged the Board to grant the permit. **No Public Comment.**

(12A) **APPEAL NO. 00-191**

ANDREW C. FREEMAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16,
[2000, to Mariposa Management, permit
[to Erect a Building (28 live/work units).
[APPLICATION NO. 2000/08/02/6778S.
[FOR HEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellant prior to hearing.

(12B) **APPEAL NO. 00-192**

ANDREW C. FREEMAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16,
[2000, to Mariposa Management, permit
[to Demolish a Building (industrial/com-
[mercial).
[APPLICATION NO. 2000/08/02/6779.
[FOR HEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellant prior to hearing.

(12C) **APPEAL NO. 00-193**

ANDREW C. FREEMAN, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16,
[2000, to Mariposa Management, permit
[to Demolish a Building (industrial/commercial).
[APPLICATION NO. 2000/08/02/6780.
[FOR HEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellant prior to hearing.

Items 12(D) and 12(E) were heard together:

(12D) **APPEAL NO. 00-203**

MISSION ANTI-DISPLACEMENT COALITION, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16,
[2000, to Mariposa Management, permit
[to Erect a Building (28 live/work units).
[APPLICATION NO. 2000/08/02/6778S.
[FOR HEARING TODAY.

(12E) **APPEAL NO. 00-204**

MISSION ANTI-DISPLACEMENT COALITION, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[2412 Harrison Street.
[Protesting issuance on October 16,
[2000, to Mariposa Management, permit
[to Demolish a Building (industrial/commercial).
[APPLICATION NO. 2000/08/02/6779.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Cullum, the Board voted 1-4 (President Chin, Vice President Saunders, Commissioner El Qadah and Commissioner McInerney dissented) to continue the matter to December 6, 2000. Three votes being necessary to continue any matter, the motion **FAILED** and the public hearing continued. Then, upon motion by Commissioner Cullum, the Board voted 5-0 to **UPHOLD** both permits on **CONDITION** that a second Notice of Special Restrictions (NSR) be recorded that places future tenants on notice that the Mission Recreation Center exists in the immediate area, with a draft of the said NSR to be delivered to Commissioner Cullum within the 10-day rehearing period.

SPEAKERS: **1.** Sue Hestor, attorney appellant, outlined the reasons for the appeal. **2.** Alice Barkley, attorney for the permit holder, urged the Board to grant the permits. **3.** Lawrence Badiner, ZA, defended the issuance of both permits.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, NOVEMBER 15, 2000

Items (13A) through (13J) were heard together:

(13A) **APPEAL NO. 00-184**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[673 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (48 live/work units).
[APPLICATION NO. 9907389S.
[FOR HEARING TODAY.

(13B) **APPEAL NO. 00-185**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[178 Bluxome Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (42 live/work units).
[APPLICATION NO. 9907391S.
[FOR HEARING TODAY.

(13C) **APPEAL NO. 00-186**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[683 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (39 live/work units).
[APPLICATION NO. 9907390S.
[FOR HEARING TODAY.

(13D) **APPEAL NO. 00-187**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[168 Bluxome Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (48 live/work units).
[APPLICATION NO. 9907388S.
[FOR HEARING TODAY.

(13E) **APPEAL NO. 00-188**

GISH ENDO WHOLESALE FLORIST, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[685 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Demolish a Building (warehouse).
[APPLICATION NO. 2000/05/03/8903.
[FOR HEARING TODAY.

(13F) **APPEAL NO. 00-205**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[673 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (48 live/work units).
[APPLICATION NO. 9907389S.
[FOR HEARING TODAY.

(13G) **APPEAL NO. 00-206**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[178 Bluxome Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (42 live/work units).
[APPLICATION NO. 9907391S.
[FOR HEARING TODAY.

(13H) **APPEAL NO. 00-207**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[683 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (39 live/work units).
[APPLICATION NO. 9907390S.
[FOR HEARING TODAY.

(13I) **APPEAL NO. 00-208**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[168 Bluxome Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Erect a Building (48 live/work units).
[APPLICATION NO. 9907388S.
[FOR HEARING TODAY.

(13J) **APPEAL NO. 00-209**

COALITION FOR JOBS, ARTS & HOUSING, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[685 Brannan Street.
[Protesting issuance on October 16, [2000, to UMB Corporation, permit to [Demolish a Building (warehouse).
[APPLICATION NO. 2000/05/03/8903.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** all five subject permits.

SPEAKERS: **1.** Sue Hestor, attorney for the Coalition for Jobs, Arts & Housing, outlined the reasons for their appeals. **2.** John Pun, agent for Gish Endo Wholesale Florist, also outlined the reasons for their appeals. **3.** Steven Vettel, attorney for the permit holder, urged the Board to grant all five permits. **4.** Lawrence Badiner, ZA, defended the issuance of the permits. **Public Comment for the Permit Holder:** Joe O'Donoghue and Alice Barkley. **Public Comment for the Appellants:** None.

There being no further business, President Chin adjourned the meeting at 11:15 p.m.

Arnold Y.K. Chin, President

Robert H Feldman

Robert H. Feldman, Executive Secretary

Government Information Center
S.F. Public Library
Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

REGULAR MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

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WEDNESDAY, DECEMBER 6, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **REQUEST FOR REHEARING:** 537 Divisadero Street. Letter from Thomas F. Chan, attorney for Monetary Management of California dba "Payday Loans Money Mart Checks Cashed", appellant requesting rehearing of Appeal No. 00-102, heard September 20, 2000. Upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to **GRANT** the subject permit on **CONDITION** that the size of the words "Money Mart" and "Western Union" stay unchanged, and with the words "Check Cashing" and "Payday Loans" be displayed underneath the words "Money Mart" and "Western Union" with no greater than two inch type face.

(4) **APPEAL NO. 00-181**

ELIZABETH JAMERSON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[1592-1594 Golden Gate Avenue.
[Determination dated September 27,
[2000 by the Zoning Administrator that
[after review of the request submitted by
[the Neighbors of the New Laguna
[Market and departmental records, there
[is sufficient evidence to constitute clear
[intent on the part of the owner to
[abandon the Limited Commercial Use
[for the subject property.
[FOR HEARING TODAY.

Items (5A) and (5B) shall be heard together

(5A) **APPEAL NO. 98-055**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1111-1133 Green Street.
[Protesting issuance on March 24, 1998,
[to George Hoffberg, permit to Alter a
[Building (split into two buildings; new fire
[walls and other code upgrades as
[required per meeting and letter dated
[January 22, 1996).
[APPLICATION NO. 9802162.
[FOR FURTHER HEARING TODAY.

(5B) **APPEAL NO. 98-056**

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1111-1133 Green Street.
[Protesting issuance on March 24, 1998,
[to George Hoffberg, permit to Alter a
[Building (split existing building on one
[lot into two buildings on two lots; new
[fire walls).
[APPLICATION NO. 9802163.
[FOR FURTHER HEARING TODAY.

(6) **APPEAL NO. 00-143**

PEG O'MALLEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[135 Carl Street.
[Zoning Administrator's determination
[dated August 18, 2000 that the proposal
[to change the basement unit into a
[common area laundry and private
[storage facilities for use by all of the
[building's occupants will constitute a
[removal of a unit and not a dwelling unit
[merger.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY NOVEMBER 1, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(7) **APPEAL NO. 00-217**

TODD & MARTINA FAHRNER , Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[358 San Carlos Street.
[Denial on November 8, 2000, of permit
[to Alter a Building (convert existing
[vacant three-unit dwelling into a single
[family dwelling with new single parking
[space at existing first floor; overall
[interior remodel as noted on plans).
[APPLICATION NO. 2000/06/07/2064S.
[FOR HEARING TODAY.

(8) **APPEAL NO. 00-167**

SALVATORE & SHIRLEY VERNALE, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[952 DeHaro Street.
[Protesting issuance on September 25,
[2000, to Raymond Chan, permit to Alter
[a Building (interior partition work;
[remodel baths and kitchen; minor
[exterior front elevation change;
[structural and room framing under
[separate addendum permit).
[APPLICATION NO. 2000/09/26/1572.
[FOR HEARING TODAY.

Items (9A) through (9K) shall be heard together

(9A) **APPEAL NO. 00-170**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[555 - 4th Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (12 live/work units).
[APPLICATION NO. 9825950S.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 00-171**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Zoe Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825944S.
[FOR HEARING TODAY.

(9C) **APPEAL NO. 00-172**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[25 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825945S.
[FOR HEARING TODAY.

(9D) **APPEAL NO. 00-173**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[35 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825946S.
[FOR HEARING TODAY.

(9E) **APPEAL NO. 00-174**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[55 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825947S.
[FOR HEARING TODAY.

(9F) **APPEAL NO. 00-175**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[75 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825948S.
[FOR HEARING TODAY.

(9G) **APPEAL NO. 00-176**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[545 - 4th Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (12 live/work units).
[APPLICATION NO. 9825949S.
[FOR HEARING TODAY.

(9H) **APPEAL NO. 00-177**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[88 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825951S.
[FOR HEARING TODAY.

(9I) **APPEAL NO. 00-178**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825952S.
[FOR HEARING TODAY.

(9J) **APPEAL NO. 00-179**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[28 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825953S.
[FOR HEARING TODAY.

(9K) **APPEAL NO. 00-180**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[18 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (14 live/work units).
[APPLICATION NO. 9825954S.
[FOR HEARING TODAY.

(10)

APPEAL NO. 00-090

HAYES VALLEY PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[529 Hayes Street.
[Notice of Violation issued by the Zoning
[Administrator dated June 6, 2000,
[requiring that Hayes Valley Properties
[immediately eliminate the advertising
[office use on the ground floor, and
[provide documentation that the violation
[has been abated within 15 days from
[the date of the Notice, under Planning
[Code Sections 790.106 and 790.108.
[FOR HEARING TODAY.

(11)

APPEAL NO. 00-161

ROBERT T. HAYES, dba "EDWARD II BED AND BREAKFAST", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[3155 Scott Street.
[Order to Cease Violation of the Planning
[Code dated September 11, 2000 for
[billboard exceeding 24 feet in height
[constructed without proper permits on
[the west-facing wall of the building.
[FOR HEARING TODAY.

(12)

APPEAL NO. V00-169

INTL. FEDERATION OF PROFESSIONAL &
TECHNICAL ENGINEERS, LOCAL 21
vs.
ZONING ADMINISTRATOR, Respondent

[1660 Mission Street.
[Protesting granting on September 27,
[2000 to the Department of Building
[Inspection, Off-Street Parking Variance
[to construct a six-story addition above
[grade level, approximately 76 feet tall
[with 25,365 gross square feet of office
[space and 5,073 square feet of parking
[at grade level).
[VARIANCE CASE NO. 98.811V.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103
(415) 575-6880

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MINUTES OF THE REGULAR MEETING OF THE

SAN FRANCISCO BOARD OF APPEALS

WEDNESDAY, DECEMBER 6, 2000

5:30 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney (DCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); and Linda Avery, Acting Executive Secretary for the Board.

(1) **PUBLIC COMMENT**: At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

ACTION: Upon motion by President Chin, the Board voted 5-0 to open a special meeting on December 20, 2000, with an early start time of 5:00 p.m.

(3) **REQUEST FOR REHEARING**: 537 Divisadero Street. Letter from Thomas F. Chan, attorney for Monetary Management of California dba "Payday Loans Money Mart Checks Cashed", appellant requesting rehearing of Appeal No. 00-102, heard September 20, 2000. Upon motion by Commissioner Cullum, the Board voted 4-1 (Commissioner McInerney dissented) to **GRANT** the subject permit on **CONDITION** that the size of the words "Money Mart" and "Western Union" stay unchanged, and with the words "Check Cashing" and "Payday Loans" be displayed underneath the words "Money Mart" and "Western Union" with no greater than two inch type face.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **GRANT** the request for rehearing, with said rehearing to be the first case on calendar for **December 20, 2000.**

SPEAKERS: **1.** Thomas Chan, attorney for requestor/permit holder, urged the Board to grant the rehearing request. **2.** Patricia Vaughey, agent for appellant, did not object to the rehearing request.

(4) APPEAL NO. 00-181

ELIZABETH JAMERSON, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[1592-1594 Golden Gate Avenue.
[Determination dated September 27, 2000 by the Zoning Administrator that after review of the request submitted by the Neighbors of the New Laguna Market and departmental records, there is sufficient evidence to constitute clear intent on the part of the owner to abandon the Limited Commercial Use for the subject property.
[FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 5-0 to **RESCHEDULE** the matter to **February 28, 2001**, and for the matter to be the first case on said calendar.

SPEAKERS: **1.** William Balin, attorney for the appellant, requested a rescheduling. **2.** Lawrence Badiner, ZA, did not object to the rescheduling request.

Items (5A) and (5B) were heard together

(5A) APPEAL NO. 98-055

TUDOR HILL TENANTS ASSN.. Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1111-1133 Green Street.
[Protesting issuance on March 24, 1998, to George Hoffberg, permit to Alter a Building (split into two buildings; new fire walls and other code upgrades as required per meeting and letter dated January 22, 1996).
[APPLICATION NO. 9802162.
[FOR FURTHER HEARING TODAY.

(5B) APPEAL NO. 98-056

TUDOR HILL TENANTS ASSN., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[1111-1133 Green Street.
[Protesting issuance on March 24, 1998, to George Hoffberg, permit to Alter a Building (split existing building on one lot into two buildings on two lots; new fire walls).
[APPLICATION NO. 9802163.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **REVOKE** both permits.

SPEAKERS: **1.** Mark Middleton, agent for the appellant, urged the Board to revoke both permits. **2.** George Hoffberg, permit holder, urged the Board grant the permits. **3.** Lawrence Badiner, ZA, asked the Board to revoke the permits. **4.** Paul Carlstrom, agent for the appellant, also asked the Board to revoke the permits.

MINUTES OF THE REGULAR MEETING OF THE BOARD OF APPEALS, DECEMBER 6, 2000

(6)

APPEAL NO. 00-143

PEG O'MALLEY, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[135 Carl Street.
[Zoning Administrator's determination
[dated August 18, 2000 that the proposal
[to change the basement unit into a
[common area laundry and private
[storage facilities for use by all of the
[building's occupants will constitute a
[removal of a unit and not a dwelling unit
[merger.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY NOVEMBER 1, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: After discussion, upon motion by Commissioner El Qadah, the Board voted 5-0 to **OVERRULE** the Zoning Administrator's determination with a **FINDNG** that the subject space is an illegal unit.

SPEAKERS: **1.** Brett Gladstone, attorney for the appellant, urged the Board to overrule the determination. **2.** Lawrence Badiner, ZA, explained the reasons behind the determination. **3.** Laurence Kornfield, CBI, DBI, answered technical questions from the Board. **Public Comment for the Appellant:** Jeremy Paul.

(7)

APPEAL NO. 00-217

TODD & MARTINA FAHRNER , Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[358 San Carlos Street.
[Denial on November 8, 2000, of permit
[to Alter a Building (convert existing
[vacant three-unit dwelling into a single
[family dwelling with new single parking
[space at existing first floor; overall
[interior remodel as noted on plans).
[APPLICATION NO. 2000/06/07/2064S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **CONTINUE** the matter to **December 20, 2000**.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the reasons behind the Planning Commission's decision to deny the permit. **2.** Alvaro Sanchez, agent for the appellants, urged the Board to grant the permit. **3.** Todd Fahmer, co-appellant, also asked the Board to grant the permit. **Public Comment for the Appellant:** Joe O'Donoghue.

(8) **APPEAL NO. 00-167**

SALVATORE & SHIRLEY VERNALE, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[952 DeHaro Street.
[Protesting issuance on September 25, [2000, to Raymond Chan, permit to Alter [a Building (interior partition work; [remodel baths and kitchen; minor [exterior front elevation change; [structural and room framing under [separate addendum permit).
[APPLICATION NO. 2000/09/26/1572.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0-1 (President Chin abstained) to **RECUSE** President Chin. Then, after discussion, upon motion by Commissioner McInerney, the Board voted 4-0-1 (President Chin recused) to **CONTINUE** the matter to **December 20, 2000**, with the public hearing **CLOSED**.

SPEAKERS: **1.** Salvatore Vernale, appellant, outlined the reasons for the appeal. **2.** Jeremy Paul, agent for the permit holder, urged the Board to grant the permit. **3.** Lawrence Badiner, ZA, detailed some concerns he had with the permit. **Public Comment for the Appellants:** Nick Russo, Robert Daniels and Patricia Vaughey.

Items (9A) through (9K) were heard together

(9A) **APPEAL NO. 00-170**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[555 - 4th Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (12 live/work units).
[APPLICATION NO. 9825950S.
[FOR HEARING TODAY.

(9B) **APPEAL NO. 00-171**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Zoe Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (18 live/work units).
[APPLICATION NO. 9825944S.
[FOR HEARING TODAY.

(9C) **APPEAL NO. 00-172**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[25 Welsh Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (16 live/work units).
[APPLICATION NO. 9825945S.
[FOR HEARING TODAY.

(9D) **APPEAL NO. 00-173**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[35 Welsh Street.
[Protesting issuance on September 26, 2000, to 557 - 4th Street LLC, permit to Erect a Building (16 live/work units).
[APPLICATION NO. 9825946S.
[FOR HEARING TODAY.

(9E) **APPEAL NO. 00-174**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[55 Welsh Street.
[Protesting issuance on September 26, 2000, to 557 - 4th Street LLC, permit to Erect a Building (18 live/work units).
[APPLICATION NO. 9825947S.
[FOR HEARING TODAY.

(9F) **APPEAL NO. 00-175**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[75 Welsh Street.
[Protesting issuance on September 26, 2000, to 557 - 4th Street LLC, permit to Erect a Building (16 live/work units).
[APPLICATION NO. 9825948S.
[FOR HEARING TODAY.

(9G) **APPEAL NO. 00-176**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[545 - 4th Street.
[Protesting issuance on September 26, 2000, to 557 - 4th Street LLC, permit to Erect a Building (12 live/work units).
[APPLICATION NO. 9825949S.
[FOR HEARING TODAY.

(9H) **APPEAL NO. 00-177**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[88 Freelon Street.
[Protesting issuance on September 26, 2000, to 557 - 4th Street LLC, permit to Erect a Building (16 live/work units).
[APPLICATION NO. 9825951S.
[FOR HEARING TODAY.

(9I) **APPEAL NO. 00-178**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Freelon Street.
[Protesting issuance on September 26, 2000, to 557 - 4th Street LLC, permit to Erect a Building (18 live/work units).
[APPLICATION NO. 9825952S.
[FOR HEARING TODAY.

(9J) **APPEAL NO. 00-179**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[28 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825953S.
[FOR HEARING TODAY.

(9K) **APPEAL NO. 00-180**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[18 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (14 live/work units).
[APPLICATION NO. 9825954S.
[FOR HEARING TODAY.

ACTION: Upon motion by President Chin, the Board voted 4-0-1 (Commissioner McInerney abstained) to **RECUSE** Commissioner McInerney. Then, upon motion by President Chin, the Board voted 4-0-1 (Commissioner McInerney recused) to **RESCHEDULE** the matters to the special meeting on **December 20, 2000**, with an **early start time of 5:00 p.m.**

SPEAKERS: None.

(10) **APPEAL NO. 00-090**

HAYES VALLEY PROPERTIES, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[529 Hayes Street.
[Notice of Violation issued by the Zoning
[Administrator dated June 6, 2000,
[requiring that Hayes Valley Properties
[immediately eliminate the advertising
[office use on the ground floor, and
[provide documentation that the violation
[has been abated within 15 days from
[the date of the Notice, under Planning
[Code Sections 790.106 and 790.108.
[FOR HEARING TODAY.

ACTION: This matter was **WITHDRAWN** by the appellant at the hearing.

SPEAKERS: **1.** David Wasserman, attorney for the appellant, withdrew the appeal. **2.** Lawrence Badiner, ZA, commented on the withdrawal.

(11) **APPEAL NO. 00-161**

ROBERT T. HAYES, dba "EDWARD II BED AND BREAKFAST", Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[3155 Scott Street.
[Order to Cease Violation of the Planning
[Code dated September 11, 2000 for
[billboard exceeding 24 feet in height
[constructed without proper permits on
[the west-facing wall of the building.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Cullum, the Board voted 5-0 to **CONTINUE** the matter to **March 28, 2000**, with the public hearing **CLOSED**, and with a status report from the Zoning Administrator concerning all the commercial signs on Lombard Street between Van Ness and Richardson.

SPEAKERS: **1.** Lawrence Badiner, ZA, explained the order. **2.** Laurence Kornfield, CBI, DBI, explained relevant sections of the Building Code. **3.** Frederic Campagnoli, attorney for the appellant, urged the Board to continue the matter to the indefinite calendar. **Public Comment for the Appellant:** Patricia Vaughey.

(12) **APPEAL NO. V00-169**

INTL. FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS, LOCAL 21 vs. ZONING ADMINISTRATOR, Respondent	[1660 Mission Street. [Protesting granting on September 27, [2000 to the Department of Building [Inspection, Off-Street Parking Variance [to construct a six-story addition above [grade level, approximately 76 feet tall [with 25,365 gross square feet of office [space and 5,073 square feet of parking [at grade level). [VARIANCE CASE NO. 98.811V. [FOR HEARING TODAY.

ACTION: Upon motion by Commissioner McInerney, the Board voted 4-1 (Commissioner Cullum dissented) to **UPHOLD** the subject variance with no modifications.

SPEAKERS: **1.** Mark Paez, President of the Planners Chapter of IFPTE Local 21, urged the Board to impose several conditions on the variance. **2.** Lois Scott, member of the Planners Chapter of IFPTE Local 21, also urged the Board to place conditions on the variance. **3.** Steven Young, Special Projects Manager, DBI, asked the Board to uphold the variance with no changes. **4.** Neil Friedman, Building Inspector, DBI, also asked the Board to uphold the variance without modifications. **5.** Mark Dorian, Sr. Architect, DPW, described the timeline for the construction of the annex. **6.** Lawrence Badiner, ZA, defended the subject variance. **No Public Comment.**

There being no further business, President Chin adjourned the meeting at 9:50 p.m.

Arnold Y.K. Chin, President

Linda D. Avery, Acting Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.

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Main Branch, 5th Floor
Attn: Terry Gwiazdowsky

SPECIAL MEETING OF THE SAN FRANCISCO BOARD OF APPEALS

Agenda

WEDNESDAY, DECEMBER 20, 2000

/20/00

5:00 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

(3) **APPEAL NO. 00-102**

PLANNING ASSOCIATION OF DIVISADERO ST., Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[537 Divisadero Street.
[Protesting issuance on June 21, 2000, [to Howard A. Cooper, permit to Alter a [Building (install new awning).
[APPLICATION NO. 2000/06/21/3277.
[FOR REHEARING TODAY.

(4) **APPEAL NO. 00-217**

TODD & MARTINA FAHRNER, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[358 San Carlos Street.
[Denial on November 8, 2000, of permit [to Alter a Building (convert existing [vacant three-unit dwelling into a single [family dwelling with new single parking [space at existing first floor; overall [interior remodel as noted on plans).
[APPLICATION NO. 2000/06/07/2064S.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY DECEMBER 6, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

(5) **APPEAL NO. 00-167**

SALVATORE & SHIRLEY VERNALE, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[952 DeHaro Street.
[Protesting issuance on September 25, [2000, to Raymond Chan, permit to Alter [a Building (interior partition work; [remodel baths and kitchen; minor [exterior front elevation change; [structural and room framing under [separate addendum permit).
[APPLICATION NO. 2000/09/26/1572.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY DECEMBER 6, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

DOCUMENTS DEPT.
DEC 15 2000
SAN FRANCISCO
PUBLIC LIBRARY

Items (6A) through (6K) shall be heard together

(6A) **APPEAL NO. 00-170**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[555 - 4th Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (12 live/work units).
[APPLICATION NO. 9825950S.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 00-171**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Zoe Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825944S.
[FOR HEARING TODAY.

(6C) **APPEAL NO. 00-172**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[25 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825945S.
[FOR HEARING TODAY.

(6D) **APPEAL NO. 00-173**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[35 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825946S.
[FOR HEARING TODAY.

(6E) **APPEAL NO. 00-174**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[55 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825947S.
[FOR HEARING TODAY.

(6F) **APPEAL NO. 00-175**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[75 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825948S.
[FOR HEARING TODAY.

(6G) **APPEAL NO. 00-176**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[545 - 4th Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (12 live/work units).
[APPLICATION NO. 9825949S.
[FOR HEARING TODAY.

(6H)

APPEAL NO. 00-177

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[88 Freelon Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (16 live/work units).
[APPLICATION NO. 9825951S.
[FOR HEARING TODAY.

(6I)

APPEAL NO. 00-178

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Freelon Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (18 live/work units).
[APPLICATION NO. 9825952S.
[FOR HEARING TODAY.

(6J)

APPEAL NO. 00-179

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[28 Freelon Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (16 live/work units).
[APPLICATION NO. 9825953S.
[FOR HEARING TODAY.

(6K)

APPEAL NO. 00-180

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[18 Freelon Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (14 live/work units).
[APPLICATION NO. 9825954S.
[FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents:

1. *Appellant's statement and rebuttal brief.*
2. *Permit holder's response and rebuttal brief.*
3. *Department decision, permit, determination or resolution.*
4. *Public correspondence.*

These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter.

MEMBERS OF THE BOARD OF APPEALS

ARNOLD Y.K. CHIN	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
CAROLE S. CULLUM	COMMISSIONER
ALLAM M. EL QADAH	COMMISSIONER
JOHN E. MCINERNEY, III	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER 576-0700

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at **www.ci.sf.ca.us/bdappeal/index.html**.

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference.

The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to Arnold Y.K. Chin, President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Section 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:30 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

REQUESTS FOR REHEARING

Written requests for rehearing must be filed within ten days from the date of a decision and may be filed only by principals in the appeal. See Article 5, Section 6 for complete rule on rehearings.

ACCESSIBILITY INFORMATION

A sound enhancement system is used at the hearing.

American Sign Language interpreters will be available upon request. Please contact Catherine Johnson at 575-6880 at least 72 hours prior to the hearing. Late requests will be honored if possible.

Minutes of the hearing are available in alternative formats. If you require the use of a reader during the meeting, please contact Catherine Johnson at 575-6880, at least 72 hours in advance of need.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-6060 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

The closest BART station is the Civic Center station at 8th and Market Streets. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center station, and the 31 and 42 bus lines. For information about MUNI accessible services call 923-6142.

There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Administrator, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689, telephone (415) 554-7724, fax (415) 554-5163, and e-mail **Donna_Hall@ci.sf.ca.us**. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's web site at **www.ci.sf.ca.us/bdsupvrs/sunshine**.

LOBBYING ACTIVITY

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action that they may be required by the San Francisco Lobbyist Ordinance (S.F. Administrative Code 16.520-16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission, telephone (415) 554-9510, web site **www.ci.sf.ca.us/ethics**, fax (415) 703-0121.

CITY AND COUNTY OF SAN FRANCISCO
Board of Appeals
Robert H. Feldman, Executive Secretary
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20/00

MINUTES OF SPECIAL MEETING OF THE S.F. BOARD OF APPEALS

WEDNESDAY, DECEMBER 20, 2000

5:00 P.M., CITY HALL, ROOM 416

1 DR. CARLTON B. GOODLETT PLACE (FORMERLY 301 POLK STREET)

PRESENT: President Arnold Chin, Vice President Sabrina Saunders, Commissioner Carole Cullum, Commissioner Allam El Qadah, and Commissioner John McInerney.

Judith Boyajian, Deputy City Attorney (DCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (CBI, DBI); and Linda Avery, Acting Executive Secretary.

Easteller Bruihl, the Official Court Reporter, swore in all those who intended to testify during the meeting.

(1) **PUBLIC COMMENT:** At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) **COMMISSIONERS COMMENTS AND QUESTIONS.**

SPEAKERS: **1.** President Chin wished everyone a happy holiday and apologized for scheduling the special meeting. He also comment on Linda Avery's appointment as interim Executive Secretary and the newspaper article alleging preferential treatment for certain developers that appear before the Board. **2.** Vice President Saunders supported President Chin's decision to appoint Linda Avery.

(3) **APPEAL NO. 00-102**

PLANNING ASSOCIATION OF DIVISADERO ST.,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[537 Divisadero Street.
[Protesting issuance on June 21, 2000, to
[Howard A. Cooper, permit to Alter a Building
[(install new awning).
[APPLICATION NO. 2000/06/21/3277.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 4-1 (President Chin dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: **1.** Patricia Vaughey, representing the appellant urged the Board to follow the design of the other legal awnings in the neighborhood. **2.** Thomas Chan, attorney for permit holder said that a restriction on the lettering would conflict with his client's constitutional right of free speech and urged the Board to uphold the permit. **3.** Lawrence Badiner (ZA) explained the differences between this appeal and a laundromat appeal on 23rd Street. **4.** Judith Boyajian (DCA) advised the Board that the issues are the lettering size and its compatibility with the neighborhood character.

(4) **APPEAL NO. 00-217**

TODD & MARTINA FAHRNER, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT DISAPPROVAL

[358 San Carlos Street.
[Denial on November 8, 2000, of permit [to
[Alter a Building (convert existing vacant
[three-unit dwelling into a single family
[dwelling with new single parking space at
[existing first floor; overall interior remodel as
[noted on plans).
[APPLICATION NO. 2000/06/07/2064S.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY DECEMBER 6, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: After discussion, upon motion by Commissioner McInerney, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit.

SPEAKERS: **1.** Jeremy Paul, agent for the appellants presented the history of the building and urged the Board to grant the permit. **2.** Lawrence Badiner (ZA) stated that the Planning Commission was concerned about the loss of rental housing. **3.** Laurence Kornfield (CBI, DBI) reported on the site inspection conducted that morning and concluded that the building was constructed as a single-family dwelling. **4.** Andrew Zacks, attorney for appellants explained the Ellis Act and urged the Board to grant the permit. **5.** Judith Boyajian (DCA) advised the Board of the Board of Ellis Act amendments and how it affects the housing market. **Public Comment for the Appellants: 6.** Richard Hood stated that he is in favor of the alterations planned by the appellants which includes providing off-street parking. **7.** Steve Owling stated that the prior renovations by other neighbors and those planned by the appellants would benefit the area.

(5) **APPEAL NO. 00-167**

SALVATORE & SHIRLEY VERNALE, Appellants
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[952 DeHaro Street.
[Protesting issuance on September 25,
[2000, to Raymond Chan, permit to Alter a
[Building (interior partition work; remodel
[baths and kitchen; minor exterior front
[elevation change; structural and room
[framing under separate addendum permit).
[APPLICATION NO. 2000/09/26/1572.
[PUBLIC HEARING CLOSED AFTER
[TESTIMONY DECEMBER 6, 2000.
[FOR FURTHER CONSIDERATION
[TODAY.

ACTION: Upon motion by President Chin, the Board voted 5-0 to **CONTINUE** the matter to **January 10, 2001** for submission of revised plans.

SPEAKERS: **1.** Jeremy Paul, agent for permit holder requested a further continuance to prepare revised plans. **2.** Robert Daniels, representative for appellants agreed to continue the matter to a later date.

Items (6A) through (6K) were heard together

(6A) **APPEAL NO. 00-170**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[555 - 4th Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (12 live/work units).
[APPLICATION NO. 9825950S.
[FOR HEARING TODAY.

(6B) **APPEAL NO. 00-171**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Zoe Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825944S.
[FOR HEARING TODAY.

(6C) **APPEAL NO. 00-172**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[25 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825945S.
[FOR HEARING TODAY.

(6D) **APPEAL NO. 00-173**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[35 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825946S.
[FOR HEARING TODAY.

(6E) **APPEAL NO. 00-174**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[55 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (18 live/work units).
[APPLICATION NO. 9825947S.
[FOR HEARING TODAY.

(6F) **APPEAL NO. 00-175**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[75 Welsh Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825948S.
[FOR HEARING TODAY.

(6G) **APPEAL NO. 00-176**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[545 - 4th Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (12 live/work units).
[APPLICATION NO. 9825949S.
[FOR HEARING TODAY.

(6H) **APPEAL NO. 00-177**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[88 Freelon Street.
[Protesting issuance on September 26,
[2000, to 557 - 4th Street LLC, permit to
[Erect a Building (16 live/work units).
[APPLICATION NO. 9825951S.
[FOR HEARING TODAY.

MINUTES OF SPECIAL MEETING OF THE BOARD OF APPEALS, DECEMBER 20, 2000

(6I) **APPEAL NO. 00-178**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[48 Freelon Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (18 live/work units).
[APPLICATION NO. 9825952S.
[FOR HEARING TODAY.

(6J) **APPEAL NO. 00-179**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[28 Freelon Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (16 live/work units).
[APPLICATION NO. 9825953S.
[FOR HEARING TODAY.

(6K) **APPEAL NO. 00-180**

SAN FRANCISCANS FOR REASONABLE GROWTH,
Appellant
vs.
DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPARTMENT APPROVAL

[18 Freelon Street.
[Protesting issuance on September 26, [2000, to 557 - 4th Street LLC, permit to [Erect a Building (14 live/work units).
[APPLICATION NO. 9825954S.
[FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0 to **RECUSE** Commissioner McInerney, who left the room at 6:21 p.m. The Acting Executive Secretary polled the Board on whether they had reviewed and considered the environmental review document and all answered "Aye." Afterwards, upon motion by Commissioner El Qadah, the Board voted 3-1 (Commissioner Cullum dissented, Commissioner McInerney recused) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: **1.** Sue Hestor, attorney for appellant enumerated several live/work projects that have been converted to office use. **2.** Alice Barkley, attorney for permit holder stated that the appellant had not presented any evidence that the approval by the Planning Commission was unlawful or arbitrary and that the project complies with all applicable Planning and Building Codes. **3.** Lawrence Badiner (ZA) said the project complies with the Notice of Special Restrictions and the intent of the Planning Commission. **4.** Joe Cassidy, project sponsor stated has never put an office tenant in a live/work project and has rented all of his buildings legally. **Public Comment for the Permit Holder:** **5.** Joe O'Donoghue disputed the testimony of the attorney for the appellant.

There being no further business, President Chin adjourned the meeting at 7:03 p.m.

Arnold Y.K. Chin, President

Linda D. Avery, Acting Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter, (415) 576-0700.